



The Ohio  
Department  
of Commerce

Spring 2006

Division of

# Real Estate and Professional Licensing

◆ N E W S L E T T E R ◆

Bob Taft  
GOVERNOR

Doug White  
DIRECTOR

Kelly Davids  
SUPERINTENDENT



It's Spring! -- and the Division of Real Estate & Professional Licensing is gearing up for the busy season. I'm pleased to report that the staff here did a tremendous job of overcoming the backlog that was created during the computer conversion process. Real Estate Licensing Manager, Pat Connors, reports her section is processing renewals, transfers, and reactivations within three days and issuing new licenses to those who have passed the test on the day the test results are reported to us. Through careful planning and preparation, the team met the deadline and ran the brokerage assessments as required on April 1. Given the volume, this is a tremendous accomplishment! Make certain you check out the article on the Licensing Section in this newsletter.

by Superintendent Kelly Davids

If you have contacted the office recently, you may realize there are a lot of new voices on the phone. The Division has had more than twenty personnel changes during the last several months. Promotions, retirements, relocations, etc. have given the Division occasion to bring new people on board. Do you remember the enthusiasm you brought to the job on your first day? If you multiply that times twenty - you can well imagine the energy being generated around here. Although we miss our friends who have left, this new enthusiasm is catching and is helping each of us to refocus on giving our best for you every day!

April 4 brought with it my first anniversary with the Division. The year has gone by so quickly, with each day offering a new and enjoyable experience. As we work toward another great year together, please know the staff and I are available should you ever need our assistance.

## Annual Broker Assessment Fees Are Due By **June 30, 2006**

The annual assessments were mailed to brokerages on April 3. The Licensing staff processed all completed paperwork that was date-stamped by March 31st in order to determine the annual fee. Please note that no changes will be made to the amount due unless there is a Division error.

The assessment fee is based on how many sales people and branches a brokerage has on April 1st. Each branch office assessment is \$8.00 per year. Brokerages are not charged an assessment fee for ten (10) or less sales people. If the brokerage has 11 to 20 salespersons, the fee is \$64.00, and the fee increases by \$37.00 for each additional ten (10) sales people. There is no "cap" on the annual assessment amount.

Please remember to include your trust account information on the assessment form. Failure to complete the trust account information will result in an "incomplete assessment" and will not be processed by the Division. If you have any questions, please contact the Division at 614-466-4100 or email us at: [REPLD@com.state.oh.us](mailto:REPLD@com.state.oh.us).

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## Meet the Licensing Staff

The Licensing Section has a manager and eight (8) full-time employees to serve your licensing needs. They handle all incoming paperwork for approximately 48,000 real estate licensees. The staff reviews and processes forms and applications including transfers/reactivations, address changes, pre-licensing and post licensing education, applications for testing, mail-in renewals, new brokerages and mergers of brokerages. They also are responsible for the mailing of all renewals and suspensions, and for completing the annual brokerage assessments.



When you call regarding a licensing or education matter, you may find yourself talking to Licensing Manager Pat Connors. Pat has worked in the Division of Real Estate for five (5) years and has over 15 years experience working for the State of Ohio. New licenses and applications are processed by Diane Hillman who also handles many of the interactions with our testing provider Thomson Prometric. Willetta Marcum has eight (8) years experience with the Division and handles many of the reactivations and transfers. Christine Broz sends out the renewal notices, suspension notices and the annual broker assessments. Tamela Bryant and Janessa Haynesworth review the continuing education for real estate licensees. Robert Yee has six (6) years with the Real Estate Division and records medical extensions and post licensing education. Bev Spears processes renewals for brokers and sales people. Jodi Phillips works with new brokerages and those that are merging or completing name changes. Thomas Moore assists with processing education and sales applications and will soon join our Customer Service section as a reproduction equipment operator.

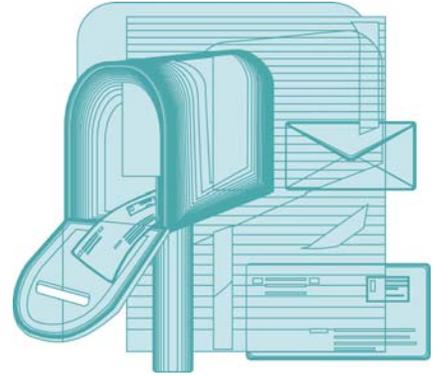
*RE Licensing Staff: Front Row (left to right): Robert Yee, Willetta Marcum, and Thomas Moore. Back Row (left to right): Diane Hillman, Bev Spears, Janessa Haynesworth, Jodi Phillips and Pat Connors. Missing were Christine Broz and Tamela Bryant.*

The staff strive to quickly and efficiently answer the many telephone calls received. They also encourage all licensees to become familiar with the Division's website [www.com.state.oh.us/real](http://www.com.state.oh.us/real) where most of these inquiries can be answered. All forms/applications are accessible online, under the section labeled "Forms". Licensees can also review the Division's newsletters at this website. In addition, the "E-Licensing Center," provides individuals with information regarding their license. The website is a very useful tool, available 24 hours a day, and is another valuable "virtual" member of the Licensing section.

## Attention Brokers - Mail-In Inspections are Coming Your Way

In March 2006, the Real Estate Enforcement section began sending mail-in inspection requests to a random sample of real estate brokerages.

Mail-in inspections require the broker to provide to the Division a variety of forms and documentation relating to the licenses of the salespersons, real estate transactions, the broker's place of business, and trust account. If the Division finds that a document or procedure is not in compliance, the broker will be notified of the deficiency and expected to correct the deficiency. The investigator assigned to conduct the inspection will be available to answer questions regarding correcting found deficiencies.



- If you receive a mail-in inspection request, respond by the deadlines provided. Failure to respond to a mail-in inspection request or correct deficiencies may result in enforcement action being taken upon the brokerage and/or broker's license.
- If you are a broker and the mail-in inspection is addressed to you, you are responsible for ensuring a response is received by the Division. Ohio license law does not recognize or distinguish between "principle brokers" and "associate brokers."
- Finally, take advantage of the opportunity to ensure your brokerage forms are in compliance.

Mail-in compliance inspections are an excellent opportunity for a brokerage to ensure it is in compliance with Division standards. Unlike audits, mail-in inspections do not require a Division investigator to visit the brokerage. However, they still provide contact with an investigator in the Enforcement Section to answer general questions a broker may have regarding compliance issues.

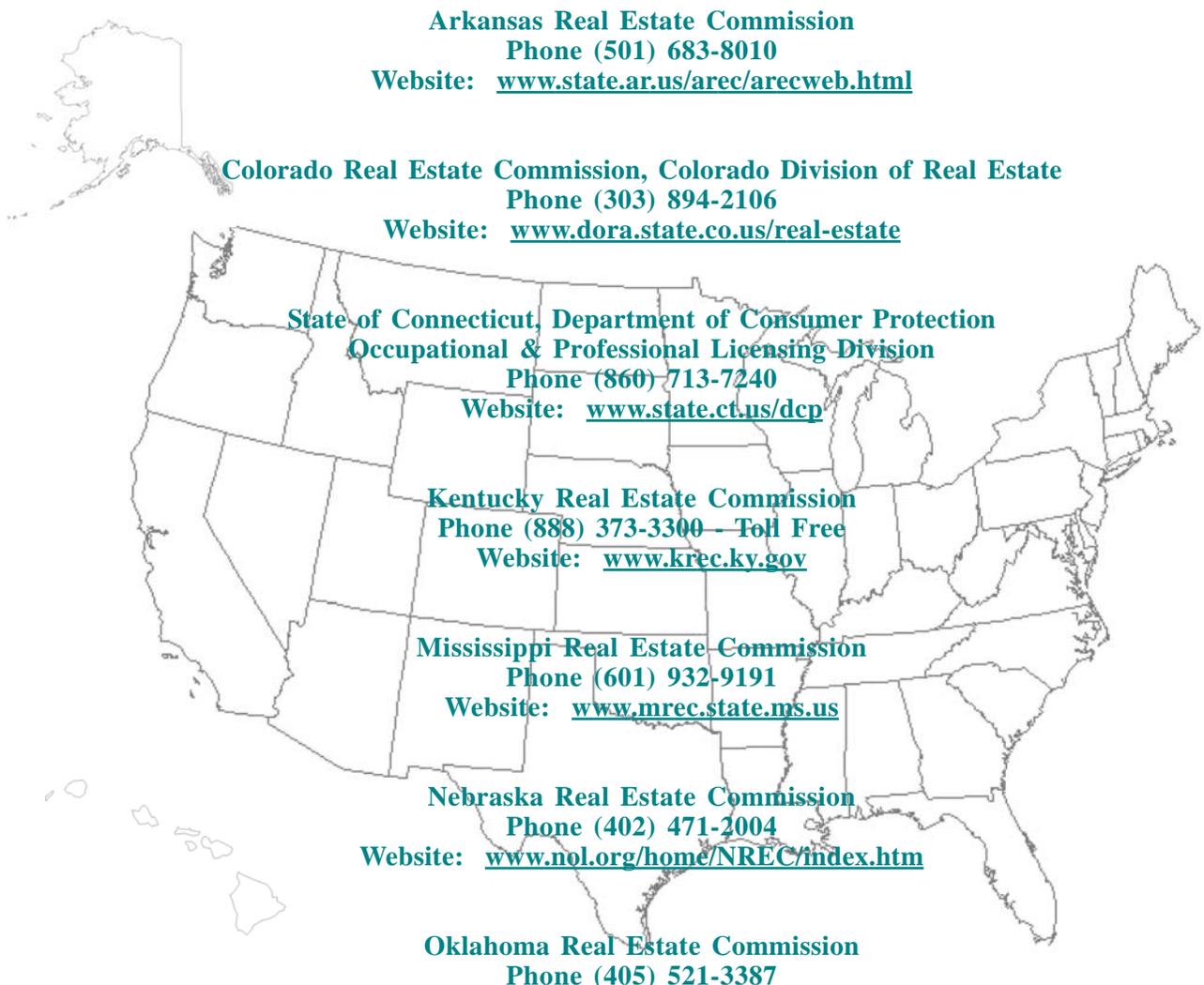
### **REMINDER** to **Real Estate Licensees**



When completing the two part renewal and education compliance form, please remember to include your name and license number on page 1 of the education compliance form. Many forms are being submitted without this information. Also, remember if the education is not due this year, please mark the form "not applicable." If you have any questions, please contact the Division at 614-466-4100.

## States with License Reciprocity Agreements with Ohio

For real estate licensees the provisions are identical for every state with which Ohio has reciprocity. A copy of the provisions can be found on our website at: [www.com.state.oh.us/realform.htm](http://www.com.state.oh.us/realform.htm).



**Arkansas Real Estate Commission**  
Phone (501) 683-8010  
Website: [www.state.ar.us/arec/arecweb.html](http://www.state.ar.us/arec/arecweb.html)

**Colorado Real Estate Commission, Colorado Division of Real Estate**  
Phone (303) 894-2106  
Website: [www.dora.state.co.us/real-estate](http://www.dora.state.co.us/real-estate)

**State of Connecticut, Department of Consumer Protection  
Occupational & Professional Licensing Division**  
Phone (860) 713-7240  
Website: [www.state.ct.us/dcp](http://www.state.ct.us/dcp)

**Kentucky Real Estate Commission**  
Phone (888) 373-3300 – Toll Free  
Website: [www.krec.ky.gov](http://www.krec.ky.gov)

**Mississippi Real Estate Commission**  
Phone (601) 932-9191  
Website: [www.mrec.state.ms.us](http://www.mrec.state.ms.us)

**Nebraska Real Estate Commission**  
Phone (402) 471-2004  
Website: [www.nol.org/home/NREC/index.htm](http://www.nol.org/home/NREC/index.htm)

**Oklahoma Real Estate Commission**  
Phone (405) 521-3387  
Website: [www.orec.state.ok.us](http://www.orec.state.ok.us)

**West Virginia Real Estate Commission**  
Phone (304) 558-3555  
Website: [www.wvrec.org](http://www.wvrec.org)

**Wyoming Real Estate Commission**  
Phone (307) 777-7141  
Website: [www.realestate.state.wy.us](http://www.realestate.state.wy.us)

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For appraisers, the following states have written agreements with Ohio:

**California**  
**(916) 552-9000**  
**Email: Tmajewski@orea.ca.gov**

**Illinois**  
**(312) 793-3000**  
**Email: Mbrown@bre.state.il.us**

**Kentucky**  
**(859) 543-8943**  
**Email: Larry.Disney@mail.state.ky.us**

**Maryland**  
**(410) 230-6270, Ext.5**  
**Email: appraiser@dllr.state.md.us**

**Massachusetts**  
**(617) 727-3055**  
**Email: rabeard@massmail.state.ma.us**

**Minnesota**  
**(800) 657-3978**  
**Email: Carolyn.little@state.mn.us**

**Montana**  
**(406) 444-2961**  
**Email: dilbsdrea@state.mt.us**

**Nebraska**  
**(402) 471-9015**  
**Email: Mjhass@nrcdec.nrc.state.ne.us**

**New Hampshire**  
**(603) 271-6186**  
**Email: mureen.tully@nhreab.state.nh.us**

**Oregon**  
**(503) 485-2555**  
**Email: Bob@oregonaclb.org**

**South Carolina**  
**(803) 896-4400**  
**Email: Selman@mail.llr.state.sc.us**

**Texas**  
**(512) 465-3950**  
**Email: mwhite@talcb.state.tx.us**

**Washington**  
**(360) 664-6504**  
**Email: Cborner@dol.wa.gov**

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## Proposed Law Affects Real Estate Agents and Appraisers if Enacted

The Ohio House and Senate has passed versions of Senate Bill No. 185, entitled the Expanded Consumer Sales Practice Act; however, it is still in the legislative pipeline, as the differences are worked out in Conference Committee. This bill affects real estate appraisers and real estate agents, and it may directly or indirectly affect you personally, if it is enacted.



This proposed law would provide for criminal records checks for any applicant for an appraiser license, registration, or certification. Essentially, it would not allow for the issuance of one of these designations to any one who has been convicted and/or pleaded guilty to any criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities. However, the superintendent would not consider the offense if the applicant were to prove to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant would commit such an offense again.

Also, the proposed law would require every person signing an appraisal renewal application to also sign a statement that they have not, during the immediately preceding twelve-month period, been convicted of, or pleaded guilty to, any of the criminal offenses as noted above.

Next, most significantly, the proposed law would make it a fifth degree felony for any person to directly or indirectly, compensate, instruct, induce, coerce, or intimidate, attempt to compensate, or attempt to instruct, induce, coerce, or intimidate, a certificate holder or licensee for the purpose of corrupting or improperly influencing the independent judgment of the certificate holder or licensee with respect to the valuation of any dwelling offered as security for repayment of a mortgage loan.

Additionally, SB 185 would provide that no person would be allowed to perform a real estate appraisal for a mortgage loan if the person is not licensed or certified as an appraiser in Ohio.

Lastly, SB 185, if enacted, would allow appraisal and real estate information, at present deemed confidential, to be released to the superintendent of financial institutions, the superintendent of insurance, to the attorney general, or local law enforcement agencies and local prosecutors. The information would still remain confidential to others.

Future newsletter articles will keep you abreast of any change in the status of SB 185.

### Recent Fines Ordered by the Real Estate Commission for Unlicensed Activity

<input type="checkbox"/> Out of state broker operating in Ohio without Ohio broker's license or compliance with R.C. 4735.022:	\$18,000.00
<input type="checkbox"/> Acting as a broker without broker's license:	\$1,000.00
<input type="checkbox"/> Managing property without a broker's license:	\$36,000.00
<input type="checkbox"/> Out of state auctioneer auctioning Ohio real property without a broker's license:	\$1,000.00
<input type="checkbox"/> Managing property without a broker's license:	\$27,600.00

R.C. 4735.052 provides that the Ohio Real Estate Commission may assess a civil penalty, in an amount it determines, not to exceed one thousand dollars per violation per day for unlicensed activity. Each day a violation occurs or continues is a separate violation. The civil penalties listed above vary based on length of time the unlicensed violations occurred, number of violations, extent of activity and other case specific facts.



## Answers to Your Frequently Asked Questions

### **Q. Can real estate be offered in a lottery situation?**

A. O.R.C. 3770.08, O.R.C. 3770.99 and O.R.C. 4735.18(A)(14) shed light on the answer to this question. These sections state in pertinent part that it is a violation for an Ohio real estate licensee to offer real estate or the improvements of real estate as a prize in a lottery or scheme of chance.

The Ohio Constitution Art. 15.06 states: "Except as otherwise provided in this section, lotteries, and the sale of lottery tickets, for any purpose whatsoever, shall forever be prohibited in this State. The General Assembly may authorize an agency of the state to conduct lotteries, to sell rights to participate therein, and to award prizes by chance to participants, provided that the entire net proceeds of any such lottery are paid into a fund of the state treasury that shall consist solely of such proceeds and shall be used solely for the support of elementary, secondary, vocational, and special education programs as determined in appropriations made by the General Assembly."

**There have been some significant enhancements in education processing at the Division of Real Estate and Professional Licensing. Below are some questions we receive on a regular basis.**

### **Q. I have heard about on-line submittal of Continuing Education Course Rosters, can you explain why this change is happening and how it will impact me?**

A. The Division of Real Estate and Professional Licensing has a new database system that enables continuing education providers to submit information electronically. Continuing education course providers are now required to electronically submit a list of licensees that have successfully completed each course (course roster). The entry of this information will soon allow licensees to review and track their continuing education progress. In addition, it will allow for further automation of the license renewal process which will reduce renewal processing time. In order to facilitate the process, it is critical for attendees to register with continuing education providers using complete and accurate information (including file number) at all classes. If you are unaware of your file number please visit the E-License Center at: <http://www.com.state.oh.us/real/elicense.aspx>.

### **Q. Will Continuing Education course certificates still be necessary?**

A. Yes, absolutely! While the electronic roster entry is an important first step in continuing education tracking and license renewal, the process of submitting certificates with the real estate compliance forms will continue for some time. In addition, certificates can provide proof of attendance that may be needed for credit with associations and bodies other than the Division of Real Estate and Professional Licensing.

### **Q. Will the Division of Real Estate and Professional Licensing still require continuing education providers to submit hard copy (paper) list of attendance rosters?**

A. No. The Division of Real Estate will accept attendance rosters electronically online only. The provider of the continuing education is responsible for keeping a file of the attendance rosters for six years. Any paper rosters received by the Division will be returned to the provider along with online roster instructions.

### **Q. I am a continuing education provider, and I think I did get something about this in the mail, but I lost it. Is there a way I can get the information again?**

A. Yes, on February 21, 2006, the Division sent out information packets to the approximately 1000 approved continuing education providers. Each packet included a letter with User ID and Password as well as a step-by-step Continuing Education Course Roster Entry Instructions Document. This document is available at: [http://www.com.state.oh.us/real/documents/Roster\\_Submission-Instructions.pdf](http://www.com.state.oh.us/real/documents/Roster_Submission-Instructions.pdf).

For a copy of the letter, including your User ID and Password, please call 614-466-4100, and ask for Tom Yersavich.

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## FAQ's Continued...

### **Q. If I have questions about online roster entry who can I contact?**

A. Please contact Jeff Mackey at (614) 728-6701 for any questions about electronic roster submittal.

### **Q. I am interested in giving Real Estate Continuing Education Courses, how do I get started?**

A. You will find instructions and an application form on the Division's website. Each class and the course instructor must be approved by the Division **prior** to holding the course. Applications must be submitted at least 30 days prior to a new course offering and a minimum of 10 days prior to an additional holding of a course previously approved during the current year.

The form, instructions and other information can be found at: [http://www.com.state.oh.us/real/CEProvider/Continuing\\_Education\\_Providers.aspx](http://www.com.state.oh.us/real/CEProvider/Continuing_Education_Providers.aspx).

### **Q. What are the most common reasons for denial of a Continuing Education Course?**

A. The most frequent reasons for Continuing Education Course denial are:

- 1) The application fails to include a 30 minute or less course outline detail (p.3 of the application.)
- 2) The course provider requests continuing education credit for courses in content areas outside the authority of the Division of Real Estate (p.1 of the instructions).
- 3) The application was not submitted within the mandatory timeline 30 days prior to new course offering and at least 10 days prior to an additional holding of a course previously approved during the current year (p.1 application, p.1 & 2 of the instructions).
- 4) The application was not signed (p.5 of the application)

### **Q. I have taken some real estate courses in Ohio that were NOT approved by the Division of Real Estate for Continuing Education. Is there any way that I can use these courses for credit toward my 30 Hours of Continuing Education?**

A. No. Courses which are not submitted by the course providers and approved by the Division cannot be recognized toward continuing education credit by the Division of Real Estate.

### **Q. I took a real estate course in Chicago, can I receive continuing education credit for attending the course?**

A. Possibly. Courses not previously approved by the Division of Real Estate and not available in Ohio may receive continuing education credit under specific circumstances. However, there is a \$100 non refundable processing fee for each course petitioned to be recognized, and, if approved, the course hours will only be recognized towards elective credits. The form to petition the Division of Real Estate to recognize an out-of-state continuing education course can be found at: [http://www.com.state.oh.us/real/documents/COM\\_CE\\_Not\\_Previously\\_Approved\\_000.pdf](http://www.com.state.oh.us/real/documents/COM_CE_Not_Previously_Approved_000.pdf).

### **Q. Can I petition for the Division to recognize distance courses?**

A. No. Only distance courses which have been approved by the Division will be recognized for continuing education credits. These courses are listed on the online look up at: [https://www.com.ohio.gov/real/real\\_apps/real/ce\\_lookup/default.aspx](https://www.com.ohio.gov/real/real_apps/real/ce_lookup/default.aspx).

### **Q. How can I make sure a course is recognized by the Division of Real Estate?**

A. All classes listed on the Division of Real Estate Course Lookup have been approved for continuing education credit. The lookup is located online at: [https://www.com.ohio.gov/real/real\\_apps/real/ce\\_lookup/default.aspx](https://www.com.ohio.gov/real/real_apps/real/ce_lookup/default.aspx).

### **Q. I just received information about a course being held next month, but it is not listed on the Division's web site. Does that mean it will not be recognized by the Division of Real Estate?**

A. Not necessarily. Providers may submit previously approved courses as little as 10 days prior to the date of the holding. Thus the application may go through the approval process and be recognized closer to the date of the holding. We encourage continuing education providers to submit class applications well in advance of the mandated time frames so that attendees can feel confident about their continuing education choices.

# Real Estate Disciplinary Actions

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## REVOCATIONS

**STEPHEN D. MCCATHERN**, salesperson, Centerburg, Ohio, had his license revoked for violating Ohio Revised Code (ORC) 4735.18(A), following his conviction on October 3, 2005, of "engaging in a pattern of corrupt activity," a violation of R.C. 2923.32(A).

## SUSPENSIONS, FINES, EDUCATION

**JOHN C. BARNES**, salesperson, Grove City, Ohio, as the result of an investigation of a formal complaint, was fined \$200.00 for violating R.C. 4735.18(A)(9) as that section incorporates R.C. 4735.57(B)(4). The Commission found that Mr. Barnes failed to completely fill out the agency disclosure statement, in that he did not explain the material relationship he had with the buyer (he was the buyer), in the section with respect to dual agency.

**KELLY A. CALLAHAN**, salesperson, Cleveland, Ohio, as the result of an investigation of a formal complaint, was fined \$200.00 and was required to complete and to submit proof of completion of three hours of additional continuing education in contract law for violating R.C. 4735.62(A). The Commission found that Ms. Callahan failed to ensure that a listing agreement between the parties accurately reflected the terms of agreement as to a regulatory processing fee; she failed to exercise reasonable skill and care.

**DONALD L. SCHENKELBERG**, broker, Parma, Ohio, was fined a total of \$450.00 and was required to complete and submit to the Division proof of completion of a total of nine hours of additional continuing education as the result of an investigation of a formal complaint. Mr. Schenkelberg was fined \$250.00 and was required to complete three hours of additional continuing education in contract law for violating R.C. 4735.18(A)(24). The Commission found that Mr. Schenkelberg failed to keep copies of MLS worksheet and change forms. He was fined \$200.00 and was required to complete three hours of additional continuing education in fair housing for violating R.C. 4735.55(A)(2), when he failed to use correct fair housing language in an exclusive right to sell agreement between the parties. Finally, he was required to complete three hours of additional continuing education in agency for violating R.C. 4735.18(A)(6), when he used an outdated agency disclosure form.

**ANNALEE MUSCHWECK**, broker, East Liverpool, Ohio, as the result of an investigation of a formal complaint, was fined \$200.00 for violating R.C. 4735.18(A)(9) as that section incorporates R.C. 4735.55(A)(2). The Commission found that Ms. Muschweck failed to use correct fair housing language in an exclusive right to sell agreement between the parties.

**JEROME J. PATE**, broker, Twinsburg, Ohio, was fined \$750.00 for violating R.C. 4735.18(A)(34). The Commission found that Mr. Pate authorized or permitted a person to act as an agent in the capacity of a real estate salesperson, who was not then licensed as a real estate salesperson under Chapter 4735.

**KATHY HOLMES**, broker, Williamsfield, Ohio, as the result of an investigation of a formal complaint, was fined \$200.00 for violating R.C. 4735.18(A)(9) as that section incorporates R.C. 4735.55(A)(2), when she failed to use the proper fair housing language in a listing agreement.

**GLEN G. WHITTEN**, broker, Centerville, Ohio, as the result of an investigation of a formal complaint, was fined \$200.00 and was required to complete and to submit proof of completion of three hours of additional continuing education relating to fair housing for violating R.C. 4735.18(A)(9) as that section incorporates R.C. Sections 4735.55(A)(2) and (A)(3), when he failed to include the correct fair housing language and blockbusting statement in an agency agreement.

**L. WAYNE DESSENBERG**, salesperson, Wooster, Ohio, as the result of an investigation of a formal complaint, was fined \$1000.00 and was required to complete and to submit proof of completion of a three hour course on agency for violating R.C. 4735.18(A)(9) as that section incorporates R.C. 4735.58(B)(1)(c) and R.C. 4735.18(A)(6). The Commission found that Mr. Dessenberg failed to present an agency disclosure statement to a buyer prior to showing the property. He also failed to properly fill out the dual agency disclosure form when he omitted the names of the parties on the form.

**MARA ACKERMAN KLOPFER**, broker, New Albany, Ohio, as the result of an investigation of a formal complaint, was fined \$100.00 for violating R.C. 4735.18(A)(6) as that section incorporates Ohio Administrative Code (OAC) Rule 1301:5-6-06 when she modified and altered the state mandated agency disclosure form, by changing the font and omitting lines.

**CHRISTINA L. KNISLEY**, salesperson, New Albany, Ohio, as the result of an investigation of a formal complaint, was fined \$100.00 for violating R.C. 4735.18(A)(6) as that section incorporates Section 1, Article 1 of the Canons of Ethics for the Real Estate Industry. The Commission found that Ms. Knisley failed to completely fill out the agency disclosure form when she failed to indicate that she would be representing the buyers and she failed to indicate the name of her brokerage.

# Appraiser Disciplinary Actions

## SUSPENSIONS, FINES, EDUCATION

**THOMAS PATRICK BRETT**, a State-licensed residential real estate appraiser, Ravenna, Ohio, as a result of an investigation conducted by the Division and pursuant to a settlement agreement, was issued a written Reprimand and ordered to complete thirty hours of additional continuing education including one course covering the sales comparison approach to valuation and one course in USPAP within 120 days. Mr. Brett was found to have failed to analyze a recent prior sale of the subject property at a significantly different price than his appraisal value opinion in violation of Ohio Revised Code (ORC) Section 4763.11(G)(5) as that section incorporates USPAP Standards Rule 1-5(b). Mr. Brett was also found to have failed to note that comparable sale one was a two parcel property; reported an inaccurate square footage for the site area of comparable sale three; reported an inaccurate square footage for the site area of comparable sale one; and utilized comparables in the appraisal report which were located in a different neighborhood than the subject property in violation of R.C. Section 4763.11(G)(5) as that section incorporates USPAP Standards Rule 1-1(c). Mr. Brett was further found to have failed to note a prior sale of comparable sale three in violation of R.C. Section 4763.11(G)(5) as that section incorporates USPAP Standards Rule 1-1(b).

**WILLIAM ALAN FORRESTER**, a State-certified residential real estate appraiser, Cincinnati, Ohio, as a result of an investigation conducted by the Division and pursuant to a settlement agreement was ordered to complete seven hours of additional continuing education in new Fannie Mae residential forms or on the new residential appraisal report within 120 days. Mr. Forrester was found to have violated R.C. Section 4763.11(G)(5) by his failure to support the effective age of the subject property in the appraisal report and incorrectly indicating the square feet for the subject property's basement.

**JAMES RICHARD LEIRER**, a State-certified residential real estate appraiser, Rome Ohio, as a result of an investigation conducted by the Division and pursuant to a settlement agreement was ordered to complete seven hours of additional continuing education in the new Fannie Mae residential forms or the new residential appraisal report form and seven hours of additional continuing education in a topic selected by Mr. Leirer and approved by the Division. Mr. Leirer was found to have committed multiple violations of R.C. Sections 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2000 Standards Rules by operation of Ohio Administrative Code (OAC) Rule 1301:11-5-01 by failing to state his basis for assigning an \$8,500 value to the site of the subject property and by using comparable sales which were not located in reasonable proximity to the subject property, and which varied from the subject property in style, size and age. Further, it was found that Mr. Leirer did not state his reasons for using comparables that were not located in close proximity to and which varied substantially from the subject property.

**SHARON L. SWISHER**, a State-certified residential real estate appraiser, Findley, Ohio, as a result of an investigation conducted by the Division and pursuant to a settlement agreement was ordered to pay a civil penalty in the amount of \$500.00. Ms. Swisher was found to have violated R.C. Section 4763.11(G)(6) for failing to ensure that the appraisal was free of errors in her preparation and delivery to her client of an unrevised appraisal report that inaccurately reported the property's zoning and its location in a suburban area.

**GEORGE F. WEISENBACH, JR.**, a State-certified general real estate appraiser, Middle Bass Island, Ohio, as a result of an investigation conducted by the Division and pursuant to a Settlement Agreement was issued a written reprimand. He was also ordered to complete fourteen hours of additional continuing education. Seven of the fourteen required hours are to be taken in the sales comparison approach to valuation, and the remaining seven hours are to be taken in USPAP. Mr. Weisenbach was found to have violated R.C. Section 4763.11(G)(6) and Section 4763.11(G)(5) as that section incorporates USPAP Standards Rule 1-1(c) by his failure to correctly indicate the size of comparable sales #1, #2, and #4, which affected the price per acre as well as the final appraised value of the subject property, and failing to explain why a sheriff's sale of comparable sale #3 was appropriate to use as a comparable to the subject property.

# ATTENTION

Do you know someone who may benefit from reading this newsletter? Please help us to get the newsletter out to your fellow associates. Anyone can receive this information either by sending us their email address at [REPLD@com.state.oh.us](mailto:REPLD@com.state.oh.us) or by retrieving it directly from our website at [www.com.state.oh.us/real/realpub.htm](http://www.com.state.oh.us/real/realpub.htm). We suggest you bookmark our website address as a Favorite so you can access it quickly to check for the latest issue.

The remaining publication schedule for 2006 is as follows:

**Summer - August 1**

**Fall - November 1**



**The Ohio  
Department  
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