



Amended Version March 4, 2008

Land Trust Schemes

Ohio Real Estate Commission action against Jon Bradham

Re: Case #2005-000339

The Ohio Real Estate Commission recently assessed Jon Bradham a civil penalty of \$39,000 for 39 violations of Revised Code Section 4735.02 (unlicensed activity). The Commission determined to waive the penalty so long as Mr. Bradham provided a notarized written statement to the Division of Real Estate that may be published as a warning to others to avoid participating in land trust schemes and engaging in unlicensed activity. Mr. Bradham's statement follows in its entirety as submitted to the Division with names of most individuals and entities redacted:

Ohio Real Estate Commission
77 S. High Street, 20th Floor
Columbus, Ohio 43215

IN RE: JON BRADHAM, RESPONDENT

CASE NO. 2005-339

STATEMENT OF JON BRADHAM

I wish to submit this information in regard to **OREC case #2005-000339** brought against me, **Jon Bradham**. This information explaining the circumstances that led to the arrangement between Riverhaven Equities, Inc (a defunct Ohio S corporation) and Mr. Louis [REDACTED] concerning his property at [REDACTED] Canal Winchester, Ohio.

Background:

In spring of 2002 my wife, 12 year old son and I read Robert Kiyosaki's Rich Dad, Poor Dad. At that time, I was working as an engineering manager for the Longaberger Basket company in Frazeytsburg, Ohio and living in Newark, Ohio. I am a degreed engineer with 15 years professional experience. Back in 2002, I enjoyed engineering but wanted to start and run my own business.

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Reporting Predatory Lending Practices and Foreclosure Resources

As professionals in the business of real estate, you've most likely become aware of transactions wherein the conduct of one or more individuals involved appears unlawful or shows signs of unscrupulous practices.

Predatory lending practices and otherwise "shady" deals should be reported and members of Ohio's real estate industry can help. If you have information on predatory lending practices, contact:

Office of Attorney General Marc Dann
Consumer Protection Section
30 E. Broad St., 14th Floor
Columbus, OH 43215
Phone: (800) 282-0515

The Ohio Division of Financial Institutions (DFI) registers and receives complaints against mortgage brokers and loan officers in Ohio. The consumer lending hotline for the Division of Financial Institutions is (866) 278-0003.



Homeowners who are seeking help to prevent foreclosure can contact the U.S. Dept. of Housing and Urban Development (HUD) for approved counseling agencies. This list can be found at www.hud.gov or call (800) 569-4287.

Homeowners who are facing foreclosure can call the National toll-free homeownership hotline at (888) 995-HOPE or go to www.995hope.org for FREE advice and support.

Go to the Ohio Department of Commerce's website www.com.state.oh.us and click on the "Foreclosure Information" link for resources on foreclosure prevention and predatory lending information. For your free copy, visit www.com.state.oh.us/dfi/dfipub.htm or call the Office of Consumer Affairs' (OCA) toll-free hotline at (866) 278-0003.



Ohio Department of Commerce Director Kimberly A. Zurz (left) and State Treasurer Richard Cordray (right) participate in a recent Ohio Foreclosure Prevention Task Force meeting.

Continuing Education (CE) Compliance

Below are several important questions regarding Continuing Education (CE) compliance for Real Estate Professionals:

How can I find out my CE due date?

Ohio Real Estate License information can be found at the Division of Real Estate website by visiting the eLicense Center and choosing **Lookup License Information**. The Lookup is a search engine and users can access information by last name or license number. Simply Choose **Division of Real Estate and Professional Licensing** from the “Board” dropdown. Then submit a last name or license number to bring up the issuance date and CE Due date information. You may also call the Division at (614) 466-4100 or TTY/TDD: (800) 750-0750.

Do I need to submit proof of completion of Continuing Education?

YES! All licensees are required to submit proof of their completion of continuing education (CE) on a Real Estate Continuing Education Compliance Form. Copies of Certificates from CE classes attended **MUST** accompany the completed form. This compliance form can be obtained from the Division of Real Estate’s website at [Combined Renewal Application with Education Compliance Form](#). The website is interactive, which means the form can be completed and then printed, signed and submitted along with the proof of completion of the CE courses. The compliance form explains in detail how to submit proof of completion of the hours required. Any compliance form that is not properly completed, or education that is submitted without the correct certificates, will be returned to the licensee for correction.

Can someone else submit the information for me?

NO! EACH LICENSEE IS RESPONSIBLE FOR SUBMITTING PROOF OF CE COMPLETION AS PART OF THE LICENSE RENEWAL PROCESS. While CE Providers are required to submit electronic rosters of all CE classes for attendance verification, IT DOES NOT RELIEVE THE LICENSEE OF THE OBLIGATION TO SHOW PROOF OF CE COMPLETION.

I have seen that some CE Providers offer immediate or “rush” data submission for a fee. If I am very close to my due date, can this help me meet my timelines?

NO, IT WILL NOT!!!

The Proof of Attendance in the form of certificates and the Real Estate Continuing Education Compliance Form must be postmarked on or before the licensee’s renewal due date. CE Providers are required to submit electronic rosters within 14 days of each held class. Regardless of when the CE Provider submits the data, licensees are responsible for timely submission of renewal information.

What will happen if the CE Provider has submitted my attendance verification data, but I have failed to submit my proof of certificates by my due date?

Your license will be suspended for failure to comply with O.A.C. section 1301:5-7-02 (F).

How can I find out what courses have been submitted for me?

A new feature was recently added to the Division’s website that allows licensees to see which continuing education courses education providers have submitted. Please note that prior to March 1, 2007, not all course providers submitted their rosters electronically and, therefore, those courses may not be on this list.

To view the CE courses submitted for a licensee, go to the Division’s website at www.com.state.oh.us/real. Click on the e-License center box in the middle of the page. Choose the first link “Lookup License Information” to bring up the licensee’s file. Be sure to choose the correct Board/Division. Enter the last name and first name or the license number with the correct prefix and click Search. Scroll down to the bottom of the page. Click on the licensee’s name and the detail window will open.

The list of submitted courses will appear under a Continuing Education heading. If no courses appear, no courses were submitted electronically for that licensee. The Division will accept certificates for approved courses you have taken but are not listed.

Continuing Education Course Identifiers

Example Course Number: 101-7007-01-E-07
A – Appraisal
B – Computer Basics
C – Canons of Ethics
D – Core Law
E – Elective
F – Computer Specific
G – Civil Rights

By law, CE Providers have 15 days from the date of the course to complete the Course Roster Entry. If more than 15 days have passed since taking the course, contact the provider directly.

Continuing Education Provider Update

1) Online Verification of Approved Classes

All Continuing Education Providers are responsible for verification of the date, time and locations of requested CE classes. Information regarding course approval may be found at the Division of Real Estate's website under [Continuing Education Course Approval](#). Log in using your User ID and Password to access a screen with a Begin and End Date. To see all courses approved for 2007, change the begin date to 01/01/2007 and select submit. Please contact the Division if any errors are discovered. Additional information can be found at: [How to use the Continuing Education Course Approval Lookup](#).

2) Attendance Verification and Record Keeping

All Continuing Education Providers are responsible for verification that each licensee receiving continuing education credit is physically present at least 90 percent of the class time. The use of an Attendance Sign-In Sheet is required for verification of attendance. The top of the Attendance Sign-In Sheet must list the following information: Course Name, Certification Number, Approved Number of CE Hours, Instructor(s), Date, Location and Start Time. A sample Attendance Sign-In Sheet may be found at the Division of Real Estate website at:

http://www.com.state.oh.us/real/documents/CE_Course_Attendance_Sign-in.doc

When arriving, students should show a photo ID and complete the Attendance Sign-In Sheet (legibly). Sponsors may prepare sign-in sheets with attendants' information, but attendants must, at a minimum, place their signature on the form next to their information. A sample Attendance Sign-In Sheet may be found at the Division of Real Estate website at:

<http://www.com.state.oh.us/real/app/reattn.pdf>

3) Certificates of Attendance

All Continuing Education Providers are responsible for the creation and distribution of certificates of attendance to those that attend 90 % or more of each class. The certificate must contain the official Certification Number, Class Name, Date, Location, and Approved Number of CE Hours. In addition, each certificate must contain the name and license number of the attendee, as well as sponsor information, including name, address, signature and date of issuance. A sample certificate may be found at the Division of Real Estate website at: <http://www.com.state.oh.us/real/app/attndcertre.pdf>

4) Reporting Attendees to the Division of Real Estate

All Continuing Education Providers are required to submit a list of licensees who have successfully completed a course (course roster) using the Division's Online Roster Entry Process. By law, rosters must be submitted within 15 days of the course. To receive your User ID and Password, please contact Tom Yersavich at (614) 466-3475. Roster entry step-by-step instructions may be found at the Division of Real Estate website at: http://www.com.state.oh.us/real/documents/Roster_Submission-Instructions.pdf.

Failure to submit online rosters or late submission of online rosters may jeopardize your continuing education provider privileges.

REPL Division employees participating in the 2007 Operation Feed Campaign



REPL employees are currently participating in the State of Ohio's 2007 Operation Feed Campaign.

This year's campaign began May 14 and will run through July 15. Last year, the Ohio Department of Commerce employees collected food and monetary donations that provided over 23,680 meals for the various Ohio Foodbanks.

Announcing New Testing Vendor

The Division of Real Estate & Professional Licensing would like to welcome PSI as its new testing vendor as of July 1, 2007. PSI was one of four testing companies that submitted a proposal to the Division to provide exams for Real Estate Appraisers, Salespeople and Brokers.

The Division independently rated the four testing companies, and PSI was chosen because of its many candidate benefits, including a computer-based testing system, immediate on-site scoring and online registration.

PSI has established eight testing sites around the state, including sites in Columbus, Cleveland, Toledo and Cincinnati, making testing accessible to all candidates throughout the state. Those test sites are:

Columbus North - 6600 Busch Boulevard, Suite 160 Columbus, Ohio 43229
Columbus South - 6431 Alum Creek Dr., Suite D Groveport, OH 43125
Cleveland - Interstate Plaza, 16600 Sprague Road, Suite 85 Middleburg Heights, OH 44130
Cincinnati - 4010 Executive Park Dr., Suite 435, Cincinnati OH 45241
Akron - Bryden Center, 1815 West Market Street, Suite 110 Akron, OH 44313
Troy - 1100 Wayne Street, Suite 3330 Troy, OH 45373
Toledo - 1446 S. Reynolds Road, Suite 201 Maumee, OH 43537
Cambridge - 1300 Clark Street, Suite 4 Cambridge, OH 43725

FEE SCHEDULE FOR PSI (Division fees will remain the same):

Examination	Division Application Fee	PSI Examination Fee
Certified General Appraiser	\$125	\$74
Certified Residential Appraiser	\$125	\$74
Licensed Appraiser	\$125	\$74
Real Estate Broker – State & National taken at the same time	\$69	\$48
Real Estate Broker – National only	\$69	\$48
Real Estate Broker – State only	\$69	\$48
Real Estate Salesperson – State & National taken at the same time	\$49	\$68
Real Estate Salesperson – State only	\$49	\$48
Real Estate Salesperson – National only	\$49	\$48

PLEASE NOTE: PSI requires two forms of identification, including a VALID government-issued I.D. bearing your photo and signature (e.g. driver's license, State ID, Passport). The second form of I.D. must have your signature and your preprinted legal name. All identification must match the name on the registration form.

Post-Close Disclosure of Purchase Details to Appraisers

Disclosing sales information to real estate appraisers after a closing is very important. Real Estate salespeople and brokers often provide the only source of reliable sales information to appraisers that other data sources can not offer. For example, appraisers generally consult public records and private databases for sales information because the parties to the sales transaction are either unavailable for the appraiser to consult or have proven to be unreliable sources for sales information. As a result, appraisers are left to consult these other data sources that fail to provide the appraiser with a complete and accurate picture regarding the sale of the property. Many times these data sources fail to provide sales information, such as a description of the condition of the property at the time of sale, whether any sales concessions were paid by the seller in the sales transaction, or whether the sales transaction included any personal property.

This information is important because real estate appraisers who complete appraisals for mortgage purposes are required by Ohio Revised Code Chapter 4763 to complete their appraisals in compliance with Uniform Standards of Professional Appraisal Practice (USPAP). USPAP requires real property appraisers to analyze the facts and circumstances surrounding the sales transactions of their subject property and their sales comparables used in the Sales Comparison Approach. Consequently, this information can help the appraiser decide which properties are truly comparable to the subject property resulting in a more reliable and credible opinion of value, which benefits the real estate and mortgage lending industry.

For example, Joe Appraiser is appraising an owner-occupied, single-family home (“subject property”) for a lender/client. The property is being used by the borrower as collateral for a refinance of a first mortgage. Joe Appraiser finds three home sales that sold within the last twelve months that may be comparable to the subject property. All three sales were found in the Multiple Listing Services and public records. Joe Appraiser attempts to contact the sellers and the current owners of these three properties to verify the sales information. As he expected, he could not locate the sellers as they had moved out of the area. Moreover, two of the owners failed to return his calls and the third owner could not recall the specifics regarding the sales transaction.

Joe Appraiser calls the agent for each of the three sales in the Multiple Listing Service. Upon speaking with one agent, he discovers the seller of one of the properties paid \$10,000 in seller concessions, which causes Joe Appraiser to report and make a corresponding adjustment in the Sales Comparison Approach. In another sale, the agent provided Joe Appraiser with a more detailed description regarding the condition of the property at the time of sale. After considering the agent’s comments, Joe Appraiser decided that this property, at the time of its sale, was in superior condition to the subject property and he made a \$15,000 conditional adjustment in his appraisal report to reflect this difference. The last agent informs Joe Appraiser that the sale price of the property included a pool table, a riding lawn mower and some removable artwork with a total value estimated at \$50,000. After deducting the estimated value for the personal property, Joe Appraiser decides that the sale of this property is not a good comparable for him to use in his appraisal report and he subsequently looks for another comparable sale for his appraisal report.

In each instance, the information provided by the agent is not readily available in public records or private databases. Joe Appraiser was only able to make reasonable decisions in the completion of his appraisal report because of the information disclosed by the agent. Without it, Joe Appraiser would have failed to adjust for the differences between the sales comparables and the subject property or he would have used an inappropriate sale as a comparable. As a result, this information provided by the agents enabled Joe Appraiser to reach a more accurate opinion of value for the subject property.

The Canons of Ethics for the real estate industry, Section I, Article 2 provides that it is the duty of a real estate broker to “protect the public against fraud, misrepresentation or unethical practices in real estate transactions. The licensee should endeavor to eliminate in the community any practices which could be damaging to the public or to the integrity of the real estate profession.” Disclosing information regarding a prior purchase transaction would enable the appraiser to provide a more accurate opinion of value and protect the public from purchasing properties in which the financing is based upon a polluted value.

However, after a closing, license law provides that real estate brokers and salespersons are obligated to keep confidential all information received during the course of the transaction except in particular circumstances. One exception is if the client permits disclosure. A broker or salesperson should seek permission to disclose purchase information to an appraiser from his or her client either upfront or upon receiving an inquiry from an appraiser. In doing so, the broker is adhering to the canons of ethics and playing a very important role in the real estate and mortgage lending industry.

Answers to Your Frequently Asked Questions



Q: I am a licensed Ohio Real Estate salesperson. I was diagnosed with cancer on May 11, 2007, and began chemotherapy treatments shortly thereafter. Unfortunately, my renewal and continuing education are due on July 13, and I am not able to complete my continuing education requirements before my due date. Can I get an extension?

A: Medical extensions are granted for continuing education within the **three months** prior to the licensee's due date. Medical extensions are granted **one time only** for the **licensee's** medical issue.

In order to obtain a medical extension, you must submit to the Division:

- A written request (**before your due date**) asking for a medical extension
- A letter from your physician providing the nature of your disability, when the disability began, the expected recovery time and that the nature of your disability would prevent you from attending any instruction lasting at least three hours in duration.

Send the request to:

Superintendent
Ohio Division of Real Estate & Professional Licensing
77 S. High St., 20th floor
Columbus, Ohio 43215-6133

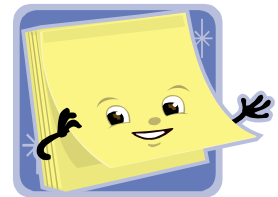
The Superintendent of the Division of Real Estate will approve or disapprove the request and, if approved, determine the length of the disability time granted.

Even if a medical extension for C.E. is granted, licensees must pay the renewal fee on time to avoid late fees and penalties - either by mail or by going online to the Division's eLicense center: www.com.state.oh.us/real.

Medical Extensions **CANNOT** be granted:

- After the licensee's renewal/education due date has passed.
- For a family member's illness.
- For the 10-hour post licensure course.

Friendly Reminders...



Nicknames and Middle Names

Licensees must be licensed in their official legal name, however, for advertising purposes, the Division allows a person to advertise in a **widely recognized, common derivative of the name in which they are licensed**, i.e., Christopher/Chris, Robert/Bob or Rob, Suzanne/Susie, etc. Licensees who are known by their middle names or by a name that is not commonly known as a nickname may put that name in **parenthesis or quotation marks** for advertising purposes, i.e., John (Ralph) Smith or Cynthia "CeeCee" Jones.

Advertising

In general, it is legal to put an asking price on a sign, as long as the information is accurate and not misleading.

Ohio Real Estate Commission's Action on Jon Bradham...continued from page 1

We had little capital to invest. The Kiyosaki book pointed us in the direction of real estate investing as an opportunity with big growth potential which required little up front investment. We began researching the opportunities in real estate investing. We joined a Kiyosaki investment club to learn more about real estate investing. This was an informal group of local people who, like us, wanted to become financially independent the "Kiyosaki way". We met with them once a month at the food court in the Mall at Tuttle Crossing in Columbus, Ohio during April and May of 2002 to discuss different investment opportunities and to play Kiyosaki's Cash Flow game.

Many of the books, websites, and articles we read and real estate investors and professionals we talked to recommended that we join a local Real Estate Investment group. We joined the central Ohio chapter of the [REDACTED] in April 2002. This association met on the first Tuesday of each month at 6:30pm at the [REDACTED]

Throughout the summer of 2002 we attended monthly [REDACTED] meetings and listened to many different lectures on real estate investing using different systems. At the June 2002 [REDACTED] meeting we attended a conference where we were introduced to Bill [REDACTED]. We were intrigued by his system as the start-up costs were low. We were also hesitant at first as it was a very complicated system. However, since [REDACTED] a reputable organization we trusted, introduced us to Mr. [REDACTED] we decided to learn more about his system. We signed up and attended his all day seminar shortly thereafter at the [REDACTED] in Columbus, Ohio.

At the end of the seminar, we purchased the documentation package, or Success Package, for Mr. [REDACTED] PACTrust system. The initial investment was around \$500 payable to Mr. [REDACTED] company [REDACTED] Services, [REDACTED]. This investment provided us with the entire documentation package, rights to use the documentation, permission to work with and be assisted by [REDACTED] and permission to use the [REDACTED] as trustee as part of the system.

Mr. [REDACTED] assured us that his system could be used by anyone, in any state without any special licensing. Furthermore, he assured us that he had checked the laws specific to Ohio prior to scheduling the seminar and that there was no problem using his system in Ohio. Mr. [REDACTED] specifically mentioned Ohio revised code 4735 and asserted strongly the following:

1. Using his trust system, we as real estate investors would not need a real estate license, as we would be purchasing and selling ownership of trust. Beneficial interest in a trust is considered personal property not real property; therefore a real estate license is not required.
2. As an owner of beneficial interest in a trust, the real estate investor (the investor beneficiary) would not need a property management license to manage the beneficiary residing (the resident beneficiary) in the property for the trust.

Prior to establishing the first trust arrangement, we asked a lawyer [REDACTED] to review the PACTrust documentation. He reviewed the documentation from [REDACTED] in July 2002 and stated that it seemed complicated but he could not find anything specifically wrong with it. He indicated that he had seen trust arrangements using the Illinois trust like this work before in Ohio and that he would be open to discussing becoming the trustee for us.

We also discussed this system with real estate professionals. Many [REDACTED] members are realtors. We discussed the trust system with [REDACTED], a member of [REDACTED] at that time and an agent with [REDACTED] in August 2002. He was enthusiastic about the system and wanted to help us locate potential settlers and resident beneficiaries. He agreed that it was a service that could fit a niche and help renters with damaged credit to progress toward owning a property. We located a title company through a referral from [REDACTED] members [REDACTED] to discuss the trust system with and to provide closing and deed preparation and

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Jon Bradham case continued...

filing services transferring the property's title into the trust. We discussed the system with the owners of [REDACTED] attorneys [REDACTED] and [REDACTED], Mr. [REDACTED] and Mr. [REDACTED] did not analyze the system in depth, but thought that the basic premise was safe and sound. They had seen trust arrangements like this work before in Ohio and were willing to partner with us.

After purchasing the system from Bill [REDACTED] and reading "Loop-Holes of the Rich" another of Robert Kiyosaki's Rich Dad books, we formed Riverhaven Equities Incorporated, an Ohio S corporation. We planned to use this S corporation to establish real estate investments using [REDACTED] PACTrust system. We formed this S corporation based on the following advice:

1. Mr. [REDACTED] recommended a corporation or LLC to provide protection in case of disputes.
2. An accountant familiar with real estate investing (referred to us by [REDACTED] members), [REDACTED] CPA ([REDACTED]), recommended an S corporation for ease of tax documentation and tax advantages.

Bill [REDACTED] taught us his system during the all day seminar and through phone calls and emails after the seminar. Basically we were to locate properties with owners who were willing to delay sale of the property. We then were to place title to the property into a trust using [REDACTED] services. [REDACTED] company [REDACTED] would name [REDACTED] the trustee (see Appendix 1). The property would remain in the trust for an initial term of 3 years, extendable for up to 20 years. At the establishment of the trust, part of the interest in the trust would be sold to resident beneficiaries who would occupy the property, part of the interest would be kept by the original owner (the settler), and part of the interest of the trust would be held by Riverhaven Equities Inc. (the investor beneficiary). At the end of the trust term the occupant would obtain a loan and purchase all of the original owner's interest and Riverhaven's interest in the trust at the initially agreed upon price. At this point the resident beneficiary would own 100% interest in the trust holding the property and be able to put the title into their name. According to Mr. [REDACTED] – he stressed this point many times in his seminar, in his documentation, on his website, and in his communications with us – the establishment of the trust and sale of beneficial interest in the trust was a transaction of personal property, not real property, and thus was not subject to the laws and rules of real estate sales.

In late summer of 2002 I began looking for "for sale by owner" properties with owners willing to partner with us in trust arrangements. The benefit to the owner in this arrangement would be that Riverhaven Equities, Inc would locate a resident beneficiary to occupy the property and maintain it for up to three years based on an occupancy agreement. Also, since this was not a real estate transaction, there would be no realtor commission on the sale. At the end of the three year term the resident beneficiary would be responsible to obtain financing to purchase the remaining interest in the trust holding the property from both the investment beneficiary and the settler beneficiary at the price agreed upon at the establishment of the trust.

I began locating properties using for sale by owner websites and made initial contact with Louis [REDACTED] regarding his condominium at [REDACTED] in Canal Winchester Ohio in October of 2002. We met and discussed the trust system. I indicated that I was new to real estate investment but I had found experienced partners in [REDACTED] in California and a tried and true system that was known to work in Ohio. I made these statements based on what I had been told by real estate professionals, including Mr. [REDACTED], Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED].

On November 11, 2002, Mr. [REDACTED] signed an option to purchase interest in a trust holding his property. The option would expire on January 1, 2003. During the option term, Riverhaven Equities would attempt to locate a resident beneficiary to purchase interest in a trust holding Mr. [REDACTED]'s property, and to reside in the property during the trust term, physically maintain the property, and pay a monthly fee to cover all costs related to the property. In accordance with our instructions from Bill [REDACTED] for the system, the trust holding the property would not be created until a resident beneficiary had been located and an acceptable offer had been made to Mr. [REDACTED].

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By the end of the option term, we had not located a resident beneficiary for the property. As we had located several potential resident beneficiaries, Mr. [REDACTED] and I agreed verbally to continue the option indefinitely. In January 2003, I made contact with the future resident beneficiary, Lorraine [REDACTED]. Ms. [REDACTED] submitted an offer to purchase interest in the trust (yet to be established) holding the property on February 23, 2003. We set a closing date of April 1, 2003. Closing would take place at [REDACTED]. At closing, the property would be placed into the trust and beneficial interest in the trust would be transferred to Riverhaven Equities and to the resident beneficiary Lorraine [REDACTED]. Mr. [REDACTED] would retain 10% beneficial interest in the trust holding the property; Riverhaven Equities would own 40%; Lorraine [REDACTED] would own 50%. At all times, the parties to the transactions and agreements were [REDACTED], Riverhaven, [REDACTED], and [REDACTED]. In the offer document, it clearly states that this was a personal property transaction and encouraged all parties to obtain legal counsel if they had questions or concerns.

At closing, the resident beneficiary paid the closing costs (part as cash, part in the form of a promissory note to Riverhaven Equities). The closing costs were made up of an initial investment and non-refundable closing and trust establishment fees. As per Mr. [REDACTED] system, all required documents were filed with the state of Ohio and [REDACTED], and all fees for creation of the trust were paid to [REDACTED]. The trust holding the property was created using the [REDACTED] website and via email and phone contact with [REDACTED]. There was some unexplained confusion and delay in receiving the final trust agreement from [REDACTED] – it was not delivered until April 17, 2003 (see Appendix 2). The trust agreement was forwarded to Louis [REDACTED] for his signature with instruction and postage to mail to [REDACTED].

Between April 2003 and November 2004, Lorraine [REDACTED] and her daughter Electa [REDACTED] resided in the property as the resident beneficiary. She was late on her monthly payment several times. In November 2004, Ms. [REDACTED] and her daughter each sent a check to cover the monthly payment – the check from her daughter bounced, making it impossible for Riverhaven to pay the mortgage payment on the property. On November 17, 2004, Riverhaven notified Mr. [REDACTED] and Ms. [REDACTED] that it was exercising its right not to purchase the property, and would relinquish its ownership of interest and responsibilities (per the signed trust agreements) to Mr. [REDACTED]. We offered to assist Mr. [REDACTED] with eviction per the trust agreements of Ms. [REDACTED] if necessary.

In March of 2005 my family and I moved to Seattle, Washington for an engineering job and to be closer to family in Washington. In June 2005, Mr. [REDACTED] contacted us through an attorney that had worked with Riverhaven previously. He stated that we owed him around \$20,000 due to the failed arrangement. We stated that we would be willing to pay him a more fair amount as settlement, closer to the amount originally paid by Ms. [REDACTED] at closing, approximately \$3,000. We also stated repeatedly that we could not pay a large lump sum of cash but would need time to pay the full amount. Mr. [REDACTED]'s attorney threatened lawsuit. At that time, my wife and I were talking to an attorney in Issaquah, Washington about bankruptcy due to the heavy debt we were carrying from Riverhaven Equities, the failed Ohio S Corporation. We asked this attorney ([REDACTED]) to assist us with dealing with Mr. [REDACTED]'s attorney – we hoped legal representation on our side would bring about a quick, fair resolution. Unbeknownst to us, Mr. [REDACTED] had also filed a complaint against us with the Ohio Real Estate Commission for engaging in unlicensed activity. This was the first time I realized that Mr. [REDACTED] was probably incorrect in saying that the system did not require a license. I contacted attorney [REDACTED] in April 2006 after being notified about the OREC case against me.

After protracted discussion with Mr. [REDACTED], his attorney Mr. [REDACTED] our attorneys in both Washington and Ohio, we have reached settlement with Mr. [REDACTED] and, through personal sacrifice and increased damage to our credit, have made him whole. The final payment toward a \$6,000 settlement was made to Mr. [REDACTED] at the end of August 2006. I have also incurred significant legal fees in defending myself before the Ohio Real Estate Commission.

In summary, we were put in touch with Mr. [REDACTED], [REDACTED] and [REDACTED] by the [REDACTED]. [REDACTED] is a trusted, reputable organization that we were members of. We chose to move forward using Mr. [REDACTED]'s system because we trusted [REDACTED] and the input of Ohio real estate professionals, including Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED]. We also chose to use Mr. [REDACTED]'s system because he is a very convincing salesman. We sincerely regret that decision.

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Jon Bradham case continued...

During the course of our dealings with Mr. [REDACTED] trust system, I relied on the advice of real estate professionals and attempted to follow Mr. [REDACTED]'s instruction. I relied on counsel from Mr. [REDACTED] and the attorneys at [REDACTED] in establishing the trust. At all times I acted in good faith and in reliance on Mr. [REDACTED] local legal and professional counsel and a local title company.

We came to realize that the trust system would not work for us. We were forced to close Riverhaven and consider filing bankruptcy due to the debt we had incurred while working at Riverhaven full time. Furthermore, Bill [REDACTED] offered us no assistance when problems arose. When we contacted [REDACTED] (the trustee established [REDACTED]RS), they denied any relationship with the property and claimed they did not receive payment or documentation to act as the trustee, even though we have documentation from [REDACTED] showing payment and trust establishment (see Appendix 3). I have gone back to engineering and continue to pay off the debt incurred by this endeavor. Our involvement with Mr. [REDACTED] and his trust system is regrettable. The experience with Mr. [REDACTED] and his system has been a very negative one for us and we have no current or planned future involvement in real estate investing. We caution other potential investors to thoroughly investigate a program such as this before becoming involved.

Respectfully,

Jon Bradham, member Riverhaven Equities, Inc. (a defunct Ohio S Corporation)

Where in Ohio is My Notice?

**** Policy Change for Real Estate Licensee Enforcement and Legal Notices****

The Division sends hundreds of notices to Ohio Real Estate licensees each day. In an effort to maintain consistency and a course of fluid communication between the Division and active Real Estate licensees, **all written correspondence sent from the Division's Enforcement and Legal departments will now be mailed to the affiliated primary brokerage office.** Sending correspondence to the primary brokerage office will ensure that all licensees are informed of vital information concerning their real estate licenses, as well as reducing the number of letters returned to the Division as "unclaimed" or "undeliverable." The Division expects that all active licensees will maintain a level of communication with their brokerage to retrieve incoming correspondence. Brokerages are expected to keep their addresses current by sending in a Division Change Application along with the brokerage license and addendum upon moving the primary brokerage office.

Please note: Renewal and suspension notices for Real Estate salespeople will continue to go to the home address. Renewal and suspension notices for Real Estate brokers will continue to go to the primary brokerage office.

Brokers: Upon receiving a request from the Superintendent for a license to be returned, you are required to return the license within three days after receiving the request. Failure to return a requested license is a violation of R.C. 4735.18 (A)(6), misconduct.

Real Estate Disciplinary Actions

REVOCATIONS/PERMANENT SURRENDER

THOMAS M. LEIST, salesperson, Germantown, Ohio, had his license revoked for violating Revised Code 4735.18(A)(29). Mr. Leist had an outstanding judgment against him issued by the Montgomery County Common Pleas Court. The conduct that led to this judgment occurred while he was acting as a real estate salesperson.

RALPH W. WOLFE, salesperson, Tampa, Florida, as the result of an investigation of a formal complaint, had his license revoked for violating four (4) counts of Revised Code 4735.18(A)(6) as that section incorporates the Canons of Ethics for the Real Estate Industry, Section 1, Article 1, Revised Code 4735.18(A)(3) and Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.62(A). Mr. Wolfe created and presented a false purchase contract to his client, the sellers; presented a false agency disclosure statement; created and presented to his client a false pre-qualification letter; and created a false notarized statement from the supposed buyer. He engaged in a continued course of misrepresentation by representing to his client, the sellers, that there was a prospective buyer for a property, when, in fact, there was not. Finally, he failed to exercise reasonable skill and care in representing his client, the sellers, and carrying out the responsibilities of the agency relationship with respect to the sale of a property and their purchase of a property.

THOMAS W. SUTER, broker, Canton, Ohio, as the result of an investigation of a formal complaint, surrendered his real estate broker's license and is to permanently refrain from engaging in the real estate business in the state of Ohio, for violating Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.62(A), Revised Code 4735.18(A)(6) as that section incorporates Ohio Administrative Code Rule 1301:5-5-11(C), and Revised Code 4735.18(A)(6) as that section incorporates Ohio Administrative Code Rule 1301:5-5-11(E). Mr. Suter failed to exercise reasonable skill and care in representing his client and carrying out the responsibilities of the agency relationship. Also, he failed to maintain a separate ledger sheet for the property owner in the format and containing the information as required by law. Finally, from on or about June 2004 until on or about August 2005, he failed to provide the owners of a property with an accounting on a regular basis, but in no event on less than a quarterly basis as required by law.

SUSPENSIONS, FINES, EDUCATION

MARGARET L. BEDINGFIELD, broker, Cleveland, Ohio, as the result of an investigation of a formal complaint, was assessed a \$300.00 civil penalty for violating Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.62(A). Ms. Bedingfield failed to perform the terms of the written agency agreement as provided in the exclusive right to sell agreement.

WILLARD L. WARD, broker, Pickerington, Ohio, was assessed a \$900.00 civil penalty and required to complete and to submit to the Division, proof of completion of three (3) hours of additional education in the area of agency for violating Revised Code 4735.18(A)(24). Mr. Ward failed to keep copies of the agency disclosure statements and HUD forms with respect to six (6) properties; he failed to keep complete records of all transactions for a period of three (3) years from the date of the transaction.

SALLY E. ROUTH, broker, Sandusky, Ohio, as the result of an investigation of a formal complaint, was assessed a \$1,000.00 civil penalty and required to complete and to submit to the Division, proof of completion of three (3) hours of additional education in the area of ethics for violating Revised Code 4735.18(A)(5), Revised Code 4735.18(A)(10) and Revised Code Sections 4735.18(A)(6) and (A)(9). The Commission found that Ms. Routh failed to remit to her client, the seller, a deposit received by her client from a prospective buyer in a failed real estate transaction. She received an earnest money deposit from the buyer, but converted the deposit, which she claimed as a commission, to the benefit of her brokerage. In addition, because the property did not sell during the term of the listing agreement, she was not entitled to the commission.

BRUCE RICHARD HERRON, broker, Salem, Ohio, was assessed a total \$1,000.00 civil penalty for violating two (2) counts of Revised Code 4735.18(A)(5) as that section incorporates Ohio Administrative Code Rule 1301:5-1-11(E), 2 counts of Revised Code 4735.18(A)(6) as that section incorporates Ohio Administrative Code Rule 1301:5-1-11(E) and one count of Revised Code 4735.18(A)(27). For violating Revised Code 4735.18(A)(27), in addition to the civil penalty, he was required to complete and to submit to the Division, proof of completion of three (3) hours of education related to property management. Mr. Herron failed to provide an accounting to two owners, on a regular basis, for two properties he managed. He also failed to maintain a separate ledger sheet for those two properties. Finally, he failed to maintain a property management trust account.

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Real Estate Disciplinary Actions continued

RICHARD C. PAVLIK, broker, Twinsburg, Ohio, as the result of an investigation of a formal complaint, was assessed a total \$400.00 civil penalty for violating Revised Code 4375.18(A)(6) as that section incorporates the Canons of Ethics for the Real Estate Industry, Section 1, Article 1 and Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.62(A). Mr. Pavlik permitted a potential buyer and the buyer's father to enter a property without accompanying them.

STEVEN J. HENDERSON, salesperson, Bedford, Ohio, was assessed a \$300.00 civil penalty and was required to complete and to submit proof of completion to the Division, three (3) hours of education related to agency for violating Revised Code 4735.18(A)(6) as that section incorporates Ohio Administrative Code Rule 1301:5-6-07. The Commission found that Mr. Henderson incorrectly completed the agency disclosure form; both sections I and II were completed, presenting conflicting information to the client.

BERNADETTE J. BOKERMAN, broker, Waterville, Ohio, as the result of an investigation of a formal complaint, was given a public reprimand for violating Revised Code 4735.18(A)(5), when she failed to remit earnest money she received to the appropriate party within a reasonable time.

CECILIA D. FOX, salesperson, Akron, Ohio, as the result of an investigation of a formal complaint, was assessed a \$400.00 civil penalty and was required to complete and to submit proof of completion of three (3) hours of education related to core law for violating Revised Code 4735.18(A)(5). The Commission found that Ms. Fox failed to deposit an earnest money deposit into the brokerage trust account within a reasonable time

KEVIN J. THOMAS, salesperson, Kettering, Ohio, as the result of an investigation of a formal complaint, was assessed a \$1,000.00 civil penalty for violating Revised Code 4735.18(A)(8). The Commission found that Mr. Thomas filed a transfer/reactivation application with the Division in October 2003, in which he certified that he had not been convicted of any unlawful conduct; when, in fact, he had.

DEBORAH S. HORTSMAN, salesperson, Columbus, Ohio, as the result of an investigation of a formal complaint, was assessed a \$400.00 civil penalty and was required to complete and to submit proof of completion of three (3) hours of education related to agency, for violating Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.62(A) and Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.71(A). The Commission found that Ms. Hortsman failed to perform the terms of a written agency agreement when she collected a total commission, where another agent was a dual agent, contrary to the exclusive right to sell listing contract that provided if buyer is also working with this agent, total commission will be reduced. In addition, she failed to obtain written consent to participate in a dual agency relationship on the dual agency disclosure statement from the parties.

JOHN J. HOLT, salesperson, Columbus, Ohio, as the result of an investigation of a formal complaint, was assessed a \$400.00 civil penalty for violating Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.62(A). The Commission found that Mr. Holt failed to perform the terms of a written agency agreement when he collected a total commission, where he was a dual agent, contrary to the exclusive right to sell listing contract that provided, if buyer is also working with this agent, total commission will be reduced.

SANDY L. RAINES, salesperson, Columbus, Ohio, was assessed a total \$750.00 civil penalty for violating three (3) counts of Revised Code 4735.18(A)(34). The Commission found on three occasions that Ms. Raines offered to non-licensees the opportunity to win a trip to a resort location in a drawing. To be entered into the drawing, a non-licensee was required to refer a potential client to her and the person referred had to buy or sell a home using her services.

SHARON L. LUCEY, salesperson, Saint Clairsville, Ohio, as the result of an investigation of a formal complaint, was assessed a \$200.00 civil penalty for violating Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.58(A) when she failed to deliver the agency disclosure statement to the seller's agent. In addition, she was assessed a \$400.00 civil penalty and was required to complete and to submit to the Division, proof of completion of three (3) hours of education related to core law, for violating Revised Code 4375.18(A)(9) as that section incorporates Revised Code 4735.62(A) when she failed to obtain or attempt to obtain a written mutual release from the signed purchase contract for the buyer.

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Real Estate Disciplinary Actions continued

TRISH W. KLINGENSMITH, salesperson, Dayton, Ohio, as the result of an investigation of a formal complaint, was assessed a \$200.00 civil penalty and was required to complete and to submit proof of completion of three (3) hours of education related to agency for violating Revised Code 4735.18(A)(6) as that section incorporates Ohio Administrative Code Rule 1301:5-6-07 for presenting an outdated agency disclosure form to her client.

TIMOTHY P. McCABE, salesperson, Columbus, Ohio, as the result of an investigation of a formal complaint, was assessed a total \$600.00 civil penalty and was required to complete and to submit to the Division, proof of completion of three (3) hours of education related to agency for violating Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.55(A)(2), Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.55(A)(3) and Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.56(D). The Commission found that Mr. McCabe executed a listing agreement that did not contain the correct fair housing language or the mandated blockbusting language. In addition, he failed to provide the buyer with the brokerage policy on agency (Consumer Guide to Agency Relationships) prior to marketing or showing the property to the buyer.

TRIANGLE REAL ESTATE SERVICES, INC., corporation, Columbus, Ohio, as the result of an investigation of a formal complaint, was assessed a \$550.00 civil penalty for violating Revised Code 4735.18(A)(5). The Commission found that the brokerage failed to return rent monies to previous renters, within a reasonable time after a new tenant leased the unit.

PENNY R. HODGE, salesperson, Harrison, Ohio, as the result of an investigation of a formal complaint, was assessed a \$300.00 civil penalty for violating Revised Code 4735.18(A)(24) when she failed to maintain a true and accurate copy of the original residential property disclosure form executed by the sellers at the time of the listing. Her license was suspended for a period of five (5) days, she was assessed a \$500.00 civil penalty and was required to complete and to submit proof of completion of the 10-hour sales post-licensure course and three (3) hours relating to ethics, for violating Revised Code 4735.18(A)(6) as that section incorporates Revised Code 4735.02 when she engaged in activity for which an active license was required while her license was in a suspended status for continuing education. Finally, she was assessed a \$250.00 civil penalty and was required to complete and to submit proof of completion of three (3) hours of education relating to agency for violating Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.58(B) when she failed to provide the buyer with an agency disclosure statement.

MIKE BETTENDORF, salesperson, Dayton, Ohio, as the result of an investigation of a formal complaint, was assessed a \$250.00 civil penalty and was required to complete and to submit proof of completion of three (3) hours of education relating to agency for violating Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.62(A) when he caused the seller to take their property off the market by convincing them that the buyers had a readily available down payment when they did not. He was assessed a \$200.00 civil penalty for violating Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.58(B) when he failed to provide the buyers of a property with a properly prepared agency disclosure form. He was assessed a total \$400.00 civil penalty for violating 2 counts of Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.58(A) when he failed to provide the sellers with an agency disclosure form indicating he was representing the sellers and failed to provide the form. Finally, he was assessed a \$250.00 civil penalty and was required to complete and to submit proof of completion of three (3) hours of education relating to ethics for violating Revised Code 4735.18(A)(14) when he failed to disclose in the sales contract an inducement in the form of a shared expense agreement.

DAVID C. PANZERA, salesperson, Columbus, Ohio, as the result of an investigation of a formal complaint, had his license suspended for 30 days, was assessed a \$2,500.00 civil penalty and was required to complete and to submit proof of completion of three (3) hours of education relating to ethics, three (3) hours relating to agency, three (3) hours relating to core law and the 10-hour sales post-licensure course for violating Revised Code 4735.18(A)(6) as that section incorporates Revised Code 4735.02. The Commission found that Mr. Panzera was acting as a real estate broker without first being licensed as provided in Chapter 4735. He was assessed a \$1,000.00 civil penalty for violating Revised Code 4735.18(A)(3) when he advertised and represented an affiliation between the brokerage he was affiliated with and a property management company on the property management company's website, when the brokerage was not affiliated with the property

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Real Estate Disciplinary Actions continued

management company and does not provide property management services in affiliation with the property management company. He was assessed a \$500.00 civil penalty for violating Revised Code 4735.18(A)(21) when he advertised an affiliation between the brokerage he was affiliated with and a property management company on the property management company's website, when the brokerage was not affiliated with the property management company and does not provide property management services in affiliation with the property management company. He was assessed a total \$5,000.00 civil penalty for violating two (2) counts of Revised Code 4735.18(A)(6) as that section incorporates the Canons of Ethics for the Real Estate Industry, Section 1, Article 1 when, for 2 properties, he back-dated agency disclosure forms (March 2003 and September 2001) which were not effective until January 1, 2005, and not available to licensees until 2004.

JAY R. ZOLLARS, broker, Columbus, Ohio, as the result of an investigation of a formal complaint, was assessed a \$350.00 civil penalty for violating Revised Code 4735.18(A)(6) as that section incorporates Ohio Administrative Code Rule 1301:5-5-11(C) when he failed to maintain a separate ledger sheet for a property owner in the format and containing the information as required by law.

ANNA M. CHAPMAN, salesperson, Tucson, Arizona, as the result of an investigation of a formal complaint, had her license suspended for a period of five (5) days and was required to complete and to submit proof of completion of nine (9) hours of education, including at least three (3) hours of agency, three (3) hours of core law and three (3) hours of her choice for violating Revised Code 4735.18(A)(6) as that section incorporates Revised Code 4735.58(A), Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.71(A) and Revised Code 4735.18(A)(9) as it incorporates R.C. 4735.62(A). The Commission found that Ms. Chapman failed to provide an agency disclosure statement to the purchaser prior to the preparation of an offer to purchase, failed to obtain written consent of the buyer and seller to dual agency on the required agency disclosure statement and failed to reduce the offer to writing or obtain signatures as required by the policy of the broker for offers initially transmitted electronically.

LARRY D. HAMILTON, broker, Harrison, Ohio, as the result of an investigation of a formal complaint, was assessed a \$250.00 civil penalty for violating Revised Code 4735.18(A)(6) as that section incorporates the Canons of Ethics for the Real Estate Industry, Section 1, Article 1 when he failed to properly fill out the agency disclosure form when he filled out both sections I and III.

ROSEANN REILLY, salesperson, Pepper Pike, Ohio, as the result of an investigation of a formal complaint, was assessed a \$1,000.00 civil penalty and was required to complete and to submit proof of completion of three (3) hours of education related to agency for violating Revised Code 4735.02 and Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.58(B)(1). The Commission found that Ms. Reilly acted as a broker in a transaction involving a property by including and attempting to enforce "Article V," an exclusive buyer's agency agreement, in the lease contract for the property. Also, she failed to provide an agency disclosure form to her client.

LISA G. VALENTINO, salesperson, Canton, Ohio, as the result of an investigation of a formal complaint, was assessed a \$500.00 civil penalty and was required to complete and to submit proof of completion of three (3) hours of education relating to agency for violating Revised Code 4735.18(A)(9) as that section incorporates Revised Code Sections 4735.62(A) and 4735.63(A)(1) when she failed to list a property at the price to which the owners agreed.

KEITH T. ORR, salesperson, Columbus, Ohio, as the result of an investigation of a formal complaint, was assessed a \$200.00 civil penalty violating Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.55(A)(2) when he failed to include the fair housing statement required by law in an auction listing agreement. He was assessed a \$500.00 civil penalty for violating Revised Code 4735.18(A)(9) as that section incorporates Revised Code 4735.62(A) when he collected a fee from his client called for in the auction listing agreement, and instead of depositing the money with his broker, as required by the terms of the contract, he retained the fee and subsequently asserted to his client that the money was a marketing fee for a separate personal property auction. Mr. Orr failed to exercise reasonable skill and care in representing the client and carrying out the responsibilities of the agency relationship. In addition, for both charges he was required to complete and to submit proof of completion of three (3) hours of education on agency and three (3) hours of education in ethics.

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Real Estate Disciplinary Actions continued

ANTHONY MANCINI, salesperson, Garfield Heights, Ohio, as the result of an investigation of a formal complaint, was assessed a \$200.00 civil penalty and was required to complete and to submit proof of completion of three (3) hours of education on core law for violating Revised Code 4735.18(A)(6). The Commission found that Mr. Mancini failed to correctly fill out section III of the agency disclosure statement when he did not check a box indicating whether he would be a dual agent or only representing one of the parties to the transaction.

UNLICENSED ACTIVITY

JON BRADHAM, Columbus, Ohio, was found by the Commission to have violated Revised Code 4735.02, unlicensed activity, and was assessed a civil penalty in the amount of \$39,000.00. However, the penalty was waived contingent upon Mr. Bradham providing a notarized written statement to the Division that warned others to avoid participating in land trust schemes and engaging in unlicensed activity.



DID YOU KNOW? for APPRAISERS

Those who wish to become Certified General, Certified Residential or Licensed Residential Appraisers will face **increased educational requirements** on **Jan. 1, 2008**. The Appraiser Qualifications Board of the Appraisal Foundation adopted changes to the Real Property Appraiser Qualification Criteria.

Education Requirements effective Jan. 1, 2008:

Certified General Appraiser applicants: 300 hours of specific core-curriculum courses and at least a Bachelor's degree or 30 semester credit hours in specific subjects

Certified Residential Appraiser applicants: 200 hours of specific core-curriculum courses and at least an Associate's degree or 21 semester credit hours in specific subjects

Licensed Residential Appraiser applicants: 150 hours of specific core-curriculum courses

****All applicants must have at least one course devoted exclusively to federal, state and municipal fair housing law.****

For the 2008 AQB Criteria Guidelines, go to the Appraisal Foundation's website at www.appraisalfoundation.org. You may also read the Division's latest Did You Know flyer regarding the 2008 AQB criteria changes at www.com.state.oh.us/real/documents/Appraiser_AQB_Did_You_Know_4_07.pdf

For more information, contact Adam Tonti, Appraiser Licensing Supervisor, at (216) 787-3100 or TTY/TDD: 1-800-750-0750.

Appraiser Disciplinary Actions

Revocations & Surrenders

CHARLES LUDWIG, an Ohio Certified General Real Estate Appraiser from Batavia, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5) as that section incorporates 2001 USPAP Standards Rules 1-1(a), 1-4(a), and 1-5(b)(i) when he failed to analyze a prior sale of the subject property that occurred within the past year and he failed to use proper sales comparables in his appraisal report. **2.** He violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a) and 1-4(b)(i) when he did not list any sources or adequately support his conclusions on the site value for the subject property. **3.** He violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a) and 1-3(a) when he failed to adequately analyze and support his conclusion of the effective age of the subject property.

In a second appraisal report, Mr. Ludwig was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5) as that section incorporates 2001 USPAP Standards Rules 1-1(a), 1-1(b), 1-1(c), 1-4(a), 2-1(a), and 2-1(b) when, in his appraisal report for the subject property, there was no source material in the work file to justify the Gross Building Area of the subject property as 1356 square feet and he failed to explain, analyze, or support this figure with any documentation. **2.** He violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a) and 1-4(b)(i) when he failed to list any sources or adequately support his conclusions for the site value of the subject property. **3.** He violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a) and 1-3(a) when he failed to adequately analyze and support his conclusions on the effective age of the subject property.

For all these violations, Charles Ludwig was ordered to permanently surrender and return his General Real Estate Appraiser Certificate to the Ohio Division of Real Estate and that he never apply for reinstatement of that Certificate in the State of Ohio.

CAROL KUNTZ, an Ohio Licensed Residential Real Estate Appraiser from Centerville, Ohio, was found in violation of the following with respect to an appraisal report: **1.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a), 1-4(a), and 1-5(b)(i) when she failed to analyze a prior sale of the subject property that occurred within the past year prior to the appraisal and she failed to use proper sales comparables. **2.** She violated ORC 4763.11(G)(5) as that section incorporates the USPAP Standards Rules 1-1(a), 1-1(b), 1-4(c)(iv), 2-1(a) and 2-1(b) when she failed to use the proper technique and figures in the income approach, which created a confusing and misleading report. **3.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a) and 1-4(b)(i) when she failed to list any sources or adequately support her conclusions on the site value of the subject property, in violation of ORC.

In a second appraisal report, Ms. Kuntz was found in violation of the following with respect to an appraisal report: **1.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a), 1-4(a), and 1-5(b)(i) when she failed to analyze a prior sale of the subject property that occurred within the past year and she failed to use proper sales comparables. **2.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a), 1-1(b), 1-1(c), 1-5(b)(i), 2-1(a) and 2-1(b) when she failed to analyze the subject property for an additional parcel that doubles the size of the property and she failed to analyze the comparables with the additional parcel. **3.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a), 1-1(b), 1-1(c), 2-1(a) and 2-1(b) when she failed list the dimensions of both parcels under the site section. **4.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a) 1-1(b), 1-1(c), 1-4(c), 1-6(a), 2-1(b), and 2-2(b)(ix) when she created a value opinion based on the income approach but failed to include in the appraisal report and/or her work file a summary of the information analyzed, the appraisal procedures followed, and the reasoning that supports the opinion and conclusions associated with the income approach.

In a third appraisal report, Ms. Kuntz was found in violation of the following with respect to an appraisal report: **1.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a), 1-4(a), and 1-5(b)(i) when she failed to analyze a prior sale of the subject property that occurred within the past year and she failed to use proper sales. **2.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a), 1-1(b), 1-2(a), 2-1(a), and 2-1(b) when she failed to complete the line on the appraisal form identifying the client and the line identifying the appraiser. **3.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards

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Appraiser Disciplinary Actions continued

Rules 1-1(a) and 2-1(a) when she failed to adequately analyze and support her conclusions on the effective age of the subject property. **4.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a) and 1-4(b)(i) when she failed to list the sources or adequately support her conclusions on the site value of the subject property.

In a fourth appraisal report, Ms. Kuntz was found in violation of the following with respect to an appraisal report: **1.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a), 1-4(a), and 1-5(b)(i) when she failed to analyze a prior sale of the subject property that occurred within the past year and she failed to use proper sales comparables. **2.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a) and 2-1(a) when she stated a range of value for the subject market area but supported this conclusion with insufficient and misleading data. **3.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a) and 1-4(b)(i) when she did not list any sources or adequately support her conclusions on the site value of the subject property. **4.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a), 1-1(b), 1-1(c), 1-4(c), 1-6(a), 2-1(b), and 2-2(b)(ix) when she produced a value opinion based on the income approach but failed to include in the appraisal report and/or her work file a summary of the information analyzed, the appraisal procedures followed, and the reasoning that supports the opinion and conclusions associated with the income approach.

In a fifth appraisal report, Ms. Kuntz was found in violation of the following with respect to an appraisal report: **1.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a) and 2-1(a) when she set a range of value for the subject market area but failed to support this conclusion with sufficient data. **2.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a) and 2-1(a) when she failed to adequately analyze and support her conclusions on the effective age of the subject property. **3.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a) and 1-4(b)(i) when she failed to list the sources or adequately support her conclusions on the site value of the subject property. **4.** She violated ORC 4763.11(G)(5) as that section incorporates the 2001 USPAP Standards Rules 1-1(a), 1-1(b), 1-1(c), 1-4(c), 1-6(a), 2-1(b), and 2-2(b)(ix) when she created a value opinion based on the income approach but failed to include in the appraisal report and/or her work file a summary of the information analyzed, the appraisal procedures followed, and the reasoning that supports the opinion and conclusions associated with the income approach.

For all these violations, Carol Kuntz was ordered to permanently surrender and return her Ohio Residential Real Estate Appraiser License to the Ohio Division of Real Estate and that she never apply for reinstatement of that License in the State of Ohio.

CLEMON DEMUS, an Ohio Licensed Residential Real Estate Appraiser from Cincinnati, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") 2003 USPAP Standards Rule 1-1(a), 1-1(b), 1-1(c), 1-5, 2-1 and/or the Conduct Section of the Ethics Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he reported but failed to properly analyze a sale of the Subject property on May 22, 2003, for \$85,000 that occurred four days prior to the effective date of the appraisal report and he failed to summarize and reconcile in his appraisal report his value conclusion with the prior sale. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(b), 1-1(c), 1-4(a), and/or 2-1 by operation of OAC 1301:11-5-01 when he failed to use comparable sales located in the Subject's immediate neighborhood that were available to him in the normal course of business and he failed to summarize in his appraisal report his basis for their exclusion. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(b), 2003 USPAP Standards Rule 1-1(c), 2003 USPAP Standards Rule 1-4(a), and/or 2003 USPAP Standards Rule 2-1 by operation of OAC 1301:11-5-01 when he used sales that were not similar to the Subject property and he failed to sufficiently summarize in his appraisal report his basis for their selection as comparable sales given their significant differences with the Subject property. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(b), 1-1(c) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to correctly identify the zoning for the Subject property. **5.** He violated ORC 4763.12(C) when he failed to include with his appraisal report disclosures required in ORC 4763.12(C). **6.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the Conduct Section of the Ethics Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he omitted material information from his appraisal report or gave preference to information in his appraisal report that provided a basis for a false value conclusion

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for the Subject property. **7.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a) by operation of OAC 1301:11-5-01 when he failed to correctly employ recognized methods and techniques that are necessary to produce a credible appraisal report for the Subject property. **8.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(b) by operation of OAC 1301:11-5-01 when he committed substantial errors of omission or commission that significantly affected the appraisal report for the Subject property. **9.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent and careless manner that affected the credibility of appraisal report for the Subject property.

In a second appraisal report, Mr. Demus was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") 2003 USPAP Standards Rule 1-1(a), 1-1(b), 1-1(c), 1-5, 2-1 and/or the Conduct Section of the Ethics Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he reported but failed to properly analyze a sale of the Subject property on April 22, 2003, for \$70,000 that occurred seven days prior to the effective date of the appraisal report and he failed to summarize and reconcile in his appraisal report his value conclusion with the prior sale of the Subject property. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards 1-1(a), 1-1(b), 1-1(c), 1-5(b), and/or the Conduct Section of the Ethics Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he failed to analyze a sale of the Subject property on April 24, 2003, for \$65,000 that occurred five days prior to the effective date of the appraisal report and he failed to summarize and reconcile in his appraisal report his value conclusion with the prior sale of the Subject property. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards 1-1(a), 1-1(b), 1-1(c), 1-5(b), 2-1 and/or the Conduct Section of the Ethics Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he failed to analyze a sale of the Subject property on January 2, 2003, for \$50,000 that occurred within three years prior to the effective date of the appraisal report and he failed to summarize and reconcile in his appraisal report his value conclusion with the prior sale of the Subject property. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(b), 1-1(c), 1-4(a), and/or 2-1 by operation of OAC 1301:11-5-01 when he failed to use comparable sales located in the Subject's immediate neighborhood that were available to him in the normal course of business and he failed to summarize in his appraisal report his basis for their exclusion. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(b), 1-1(c), 1-4(a), and/or 2-1 by operation of OAC 1301:11-5-01 when he used sales that were not similar to the Subject property and he failed to sufficiently summarize in his appraisal report his basis for their selection as comparable sales given their significant differences with the Subject property. **6.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(b), 1-1(c) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to correctly identify the zoning for the Subject property. **7.** He violated ORC 4763.12(C) when he failed to include the disclosures required in ORC 4763.12(C). **8.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(c), 1-4(b) and/or Rule 2-1 by operation of OAC 1301:11-5-01 when he failed to sufficiently support his basis for assigning a \$32,000 value to the site of the Subject property in his appraisal report and in his work file. **9.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(b), 1-1(c), 1-4(b) and/or 2-1 by operation of OAC 1301:11-5-01 when he reported, without stating the basis for the representation, an effective age for the Subject property of "20" years despite the fact that the actual age of the Subject property at the time of the appraisal was 48 years. **10.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(b), 1-1(c) and/or 2-1 by operation of OAC 1301:11-5-01 when he indicated on page 2 of the Fannie Mae Form 1004 that the Subject property is without a garage or carport but on page 1 of the Fannie Mae Form 1004, he indicated the Subject property has a one-car carport. **11.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(c) and/or 2-2 by operation of OAC 1301:11-5-01 when he failed to disclose whether the report was a Self-Contained Appraisal Report, a Summary Appraisal Report or a Restricted Use Appraisal Report. **12.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the Conduct Section of the Ethics Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he omitted material information from his appraisal report or gave preference to information in his appraisal report that provided a basis for a false value conclusion for the Subject property. **13.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a) by

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operation of OAC 1301:11-5-01 when he failed to correctly employ recognized methods and techniques that are necessary to produce a credible appraisal report for the Subject property. **14.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(b) by operation of OAC 1301:11-5-01 when he committed substantial errors of omission or commission that significantly affected the appraisal report for the Subject property. **15.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent and careless manner that affected the credibility of the appraisal report for the Subject property.

In a third appraisal report, Mr. Demus was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") 2003 USPAP Standards Rule 1-1(a), 1-1(b), 1-1(c), 1-5(b), 2-1 and/or the Conduct Section of the Ethics Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he reported but failed to analyze a sale of the Subject property on February 25, 2003, for \$92,750 that occurred three days prior to the effective date of the appraisal report and he failed to summarize and reconcile in his appraisal report his value conclusion for the Subject property with its prior sale. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(b), 1-1(c), 1-4(a), and/or 2-1 by operation of OAC 1301:11-5-01 when he failed to use comparable sales located in the Subject's immediate neighborhood that were available to him in the normal course of business and he failed to summarize in his appraisal report his basis for their exclusion. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(b), 1-1(c), 1-4(a), and/or 2-1 by operation of OAC 1301:11-5-01 when he used sales that were not similar to the Subject property and he failed to sufficiently summarize in his appraisal report his basis for their selection as comparable sales given their significant differences with the Subject property. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(b), 1-1(c), and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to correctly identify the zoning for the Subject property. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(c), 1-4(a), and/or 2-1 by operation of OAC 1301:11-5-01 when he reported the Subject property has a "patio" but failed to report whether the comparable sales have a "patio," and consequently, he failed to make the necessary adjustments to the sales comparables regarding any "patio" differences. **6.** He violated ORC 4763.12(C) when he failed to include in his appraisal report the disclosures required by ORC 4763.12(C). **7.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the Conduct Section of the Ethics Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he omitted material information from his appraisal report or gave preference to information in his appraisal report that provided a basis for a false value conclusion for the Subject property. **8.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a) by operation of OAC 1301:11-5-01 when he failed to correctly employ recognized methods and techniques that are necessary to produce a credible appraisal report for the Subject property. **9.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(b) by operation of OAC 1301:11-5-01 when he committed substantial errors of omission or commission that significantly affected the appraisal report for the Subject property. **10.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent and careless manner that affected the credibility of the appraisal report for the Subject property.

For all these violations, Clemon Demus' license to appraise real estate in the State of Ohio was revoked.

Suspensions, fines, additional education and reprimand

MARGARET ZAHLER, an Ohio Certified Residential Real Estate Appraiser from Timberlake, Ohio, was found in violation of the following with respect to an appraisal report: **1.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") Standards Rules 1-1(a), 1-4(a) and/or 2-1 by operation of ORC 4763.13(A) when she failed to report, discuss, or analyze the conflicting data in her work file concerning the number and type of rooms in Comparable Sale #2 and Comparable Sale #3. **2.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP Standards Rules 1-1(a), 1-4(a) and/or 2-1 by operation of ORC 4763.13(A) when the use of Comparable Sale #3 was inappropriate because it had 50% less square footage above ground level than the Subject property and the other Comparable Sales had a full basement that the Subject property and Comparable Sales did not have or in the alternative, she failed to analyze and explain why Comparable Sale #3 was appropriate to use in light of the

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differences. **3.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP Standards Rules 1-1(a), 1-4(a) and/or 2-1 by operation of ORC 4763.13(A) when she failed to accurately report, discuss, or analyze the fact that the Subject property had two fireplaces. **4.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP Standards Rules 1-1(a), 1-4(a) and/or 2-1 by operation of ORC 4763.13(A) when she failed to discuss or analyze the impact of different types of siding used on the Subject property and the Comparable Sales. **5.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP Standards Rules 1-1(a), 1-4(a), 1-2(e)(iv) and/or 2-1 by operation of ORC 4763.13(A) when she failed to discuss or analyze the impact of special assessments in the amount of \$537.42 per year and the impact these might have on the valuation of the Subject property. **6.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP Standards Rules 1-1(a), 1-2(e)(iv), 1-4(a) and/or 2-1 by operation of ORC 4763.13(A) when she inaccurately reported the specific zoning classification for the Subject property. **7.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP Standards Rules 1-1(a) and/or 2-1 by operation of ORC 4763.13(A) when she failed to list a source for or support her assigning a \$60,000 site value to the Subject property. **8.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP Standards Rules 1-1(a), 1-4(c), 1-6(a), 2-1 and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when she listed an indicated value by income approach but neither the appraisal report nor her work file contained documentation to support this conclusion and/or an analysis of this conclusion. **9.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP Standards Rule 1-1(c) by operation of ORC 4763.13(A) when she rendered appraisal services in a negligent or careless manner that affected the credibility of the appraisal report for the Subject property.

For all these violations, Margaret Zahler was ordered to pay a civil penalty of \$500.00 and was ordered to complete fourteen (14) hours of additional education in a class related to Residential Report Writing.

GAIL WASHTAK, an Ohio Licensed Residential Real Estate Appraiser from Maumee, Ohio, was found in violation of the following with respect to an appraisal report: **1.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(a), 1-2(e) and/or 2-1 by operation of ORC 4763.13(A) when she failed to report and make appropriate adjustments for the nearby railroad or the business located adjacent to the Subject property or she failed to sufficiently summarize in her appraisal report her basis for concluding no adjustments were necessary for the nearby railroad or the business located adjacent to the Subject property. **2.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(a), 1-2(e), 1-4(a) and/or 2-1 by operation of ORC 4763.13(A) when she inaccurately reported the square footage for the second floor of the Subject property and as a result, made incorrect adjustments to the sales comparables in the Sales Comparison Approach for the difference in square footage between the Subject property and the sales comparables. **3.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(a), 1-4(a) and/or 2-1 by operation of ORC 4763.13(A) when she failed to report Comparable Sale #1 sold for \$7,290 more than its list price and she failed to adjust for this in the Sales Comparison Approach or in the alternative, she failed to sufficiently summarize in her appraisal report her basis for concluding no adjustment was necessary. **4.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(a), 1-4(a) and/or 2-1 by operation of ORC 4763.13(A) when she failed to report Comparable Sale #3 sold for \$4,100 more than its list price and she failed to adjust for this in the Sales Comparison Approach, or in the alternative, she failed to sufficiently summarize in her appraisal report her basis for concluding that no adjustment was necessary. **5.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(a), 1-2(e), 1-3 and/or 2-1 by operation of ORC 4763.13(A) when she failed to accurately report the zoning for the Subject property when she reported the zoning for the Subject property was "Single Family Residential" when in fact the zoning for the Subject property was "B-2" for General Business. **6.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(a), 1-4 and/or 2-1 by operation of ORC 4763.13(A) when she failed to adjust in the Sales Comparison Approach for the difference between Comparable Sale #3's finished basement and the Subject property's unfinished basement, or in the alternative, she failed to sufficiently summarize in her appraisal report her basis for concluding no adjustment was necessary to Comparable Sale #3 for the difference in basement finish. **7.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(a), 1-2(e) and/or 2-1 by operation of ORC 4763.13(A) when she failed to accurately report the Single family housing prices for the Subject property's neighborhood on page 1 of 2 of the Fannie Mae Form 1004. **8.** She violated ORC 4763.11(G)(5), 4763.11(G)(6), 4763.11(G)(7), 4763.11(G)(14) and/or 4763.14 as

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those sections incorporate the Record Keeping Section of the Ethics Rule for 2002 USPAP by operation of ORC 4763.13(A) when she failed to provide the Ohio Division of Real Estate and Professional Licensing (hereinafter referred to as “the Division”) a true copy of the appraisal report for the Subject property pursuant to the Division’s investigation when the copy of the appraisal report she sent to the Division was different than the copy of her appraisal report sent to the Division by the Complainant. **9.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(c) by operation of ORC 4763.13(A) when she rendered appraisal services in a negligent or careless manner that affected the credibility of the appraisal report for the Subject property.

For these violations, Gail Washtak was ordered by the Appraiser Board to pay a civil penalty of \$500.00 and she is to complete thirty six (36) hours of additional education in the following classes: Seven (7) hours of additional education in a class related to the Sales Comparison Approach, fourteen (14) hours of additional education in a class related to Residential Report Writing and fifteen (15) hours of additional education in a class related to USPAP, including passing the class examination.

DAVID WALKER, an Ohio Licensed Residential Real Estate Appraiser from Youngstown, Ohio, was found in violation of the following with respect to a real estate appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as “USPAP”) Standards Rule 1-5(a), 2-1 and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he failed to analyze and/or report his analysis regarding the current sale agreement and/or listing of the Subject property, or in the alternative, he failed to report in his appraisal report the sale agreement and/or listing of the Subject property was unobtainable and the steps he took to obtain this information. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-2(e), 2-1(b) and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he failed to analyze and/or report the delinquent taxes owed on the Subject property as the effective date of his appraisal report. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-2(e), 1-3 and/or 2-1(b) by operation of ORC 4763.13(A) when he failed to accurately report the zoning for the Subject property. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-5(b), 2-1(b) and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he failed to report and/or reconcile a prior sale of Comparable Sale #2 for \$12,500 on December 4, 2000, with its current sale of \$50,000 on August 6, 2001. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(a) by operation of ORC 4763.13(A) when he failed to correctly employ those recognize methods and techniques that are necessary to produce a credible appraisal report for the Subject property. **6.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(c) by operation of ORC 4763.13(A) when he rendered appraisal services in a careless or negligent manner that significantly affected the credibility of the appraisal report.

For all of these violations, David Walker was ordered to pay a civil penalty of \$500.00 and to complete fifteen (15) hours of additional education in class related to USPAP, including passing the class exam, and to complete seven (7) hours of additional education in a class related to the Sales Comparison Approach.

JOHN UTTLEY, an Ohio Certified General Real Estate Appraiser from Hilliard, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as “USPAP”) Rule 1-2(e) and/or 2-1(b) by operation of ORC 4763.13(A) when he failed to report the correct current owner of record for the Subject property as of the effective date of his appraisal report. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 USPAP Standards Rule 1-5(a), 2-1(b) and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he reported the Subject property was under contract for sale as of the effective date of his appraisal report but he failed to analyze or report his analysis in the appraisal report regarding the current listing of the Subject property, or in the alternative, he failed to report his reason for not analyzing or reporting his analysis of the current listing of the Subject property in the appraisal report. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 USPAP Standards Rule 1-5(b), 1-5(c), 2-1(b) and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he failed to analyze or report his analysis of a prior sale of the Subject property that occurred within one month of the effective date of his appraisal on May 17, 2000, for \$38,000 and he failed to reconcile in his appraisal report this prior sale of the Subject property with his value conclusion. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 USPAP Standards 1-4(a), 2-1(b) and/or 2-

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2(b)(ix) by operation of ORC 4763.13(A) when he failed to adjust in the Sales Comparison Approach for Comparable Sale #3 selling for \$5,000 more than its published list price, or in the alternative, he failed to report his basis for not making an adjustment to Comparable Sale #3 for selling for \$5,000 more than its published list price. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 USPAP Standards Rule 1-1(b) by operation of ORC 4763.13(A) when he committed substantial errors of omission or commission that significantly affected the appraisal report. **6.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 USPAP Standards Rule 1-1(c) by operation of ORC 4763.13(A) when he rendered appraisal services in a careless or negligent manner that affected the credibility of the appraisal report.

In a second appraisal report, Mr. Uttley was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") Standards Rule 1-5(b), 1-5(c), 2-1(b) and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he failed to analyze or sufficiently summarize in his analysis in the appraisal report of the prior sale of the Subject property on April 26, 2000, for \$29,900 and he failed to sufficiently summarize his reconciliation of the Subject property's prior sale with his value conclusion. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 USPAP Standards Rule 1-5(a), 2-1(b) and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he reported the Subject property was under contract for sale as of the effective date of his appraisal report but failed to analyze or report his analysis in the appraisal report regarding the current listing of the Subject property, or in the alternative, he failed to report his reason for not analyzing or reporting his analysis of the current listing of the Subject property in the appraisal report. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 USPAP Standards Rule 1-1(c) by operation of ORC 4763.13(A) when he rendered appraisal services in a careless or negligent manner that affected the credibility of the appraisal report.

For all these violations, John Uttley was ordered to pay a civil penalty of \$250.00 and was ordered to complete fifteen (15) hours of additional education in a class related to USPAP, including passing the class exam.

JEFFREY UPTON, an Ohio Certified General Real Estate Appraiser from Toledo, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") Standards Rule 1-1(a), 1-1(b), 1-1(c), 2-1(b), 2-2(a)(ix) and/or the Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he failed to make adjustments to the Land Sales for their differences in zoning with the Subject property, or in the alternative, he failed to sufficiently describe in his appraisal report his reasoning that supports his conclusion no adjustment was necessary for the differences in zoning between the Land Sales and the Subject property. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a), 1-1(b), 1-1(c), 2-1(b), 2-2(a)(ix) and/or the Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he failed to make adjustments to the Land Sales for their differences with the Subject property regarding highest and best use, or in the alternative, he failed to sufficiently describe in his appraisal report his reasoning that supports his conclusion that no adjustment was necessary for the difference regarding highest and best use between the Land Sales and the Subject property. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when in the development of the appraisal report for the Subject property, pursuant to the Appraiser's Operation Manual for the Ohio Department of Transportation, he improperly included in his appraisal report a Land Sale that involved a condemning authority as a party to the transaction. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a), 1-1(b), 1-3, 2-1(b) and/or the Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when in the development of the highest and best use analysis for the Subject property, he predicated his conclusion on the probability of a zoning change when he stated "some type of multi-family development such as a condominium development if proper zoning were procured," but he failed to investigate, analyze, discuss or describe in the appraisal report the probability of a zoning change for the Subject property. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a), 1-1(b), 1-1(c), 1-2(d), 2-1(a), 2-2(a)(vi) and/or the Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when in the development of the appraisal report for the Subject property, he failed to identify the effective date of his opinions and conclusions.

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In a second appraisal report, Mr. Upton was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") Standards Rule 1-1(a), 1-1(b), 1-1(c), 2-1(b), 2-2(a)(ix) and/or the Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he failed to make adjustments to the Land Sales for their differences in zoning with the Subject property, or in the alternative, he failed to sufficiently describe in his appraisal report his reasoning that supports his conclusion no adjustment was necessary for the differences in zoning between the Land Sales and the Subject property. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a), 1-1(b), 1-1(c), 2-1(b), 2-2(a)(ix) and/or the Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he failed to make adjustments to the Land Sales for their differences with the Subject property regarding highest and best use, or in the alternative, he failed to sufficiently describe in his appraisal report his reasoning that supports his conclusion that no adjustment was necessary for the difference regarding highest and best use between the Land Sales and the Subject property. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when in the development of the appraisal report for the Subject property, pursuant to Appraiser's Operation Manual for the Ohio Department of Transportation, he improperly included in his appraisal report a Land Sale that involved a condemning authority as a party to the transaction.

In a third appraisal report, Mr. Upton was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") Standards Rule 1-1(a), 1-1(b), 1-1(c), 2-1(b), 2-2(a)(ix) and/or the Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he failed to make adjustments to the Land Sales for their differences in zoning with the Subject property, or in the alternative, he failed to sufficiently describe in his appraisal report his reasoning that supports his conclusion that no adjustment was necessary for the differences in zoning between the Land Sales and the Subject property. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a), 1-1(b), 1-1(c), 2-1(b), 2-2(a)(ix) and/or the Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he failed to make adjustments to the Land Sales for their differences with the Subject property regarding highest and best use, or in the alternative, he failed to sufficiently describe in his appraisal report his reasoning that supports his conclusion that no adjustment was necessary for the difference regarding highest and best use between the Land Sales and the Subject property. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when in the development of the appraisal report for the Subject property, pursuant to the Appraiser's Operation Manual for the Ohio Department of Transportation, he improperly included in his appraisal report a Land Sale that involved a condemning authority as a party to the transaction. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a), 1-1(b), 1-3, 2-1(b) and/or the Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when in the development of the highest and best use analysis for the Subject property, he concluded in his appraisal report that the Subject property, if vacant, would require a zoning change for the Subject property, but he failed to investigate, analyze, discuss or describe in the appraisal report the probability of a zoning change.

In a fourth appraisal report, Mr. Upton was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") Standards Rule 1-1(a), 1-1(b), 1-1(c), 2-1(b), 2-2(a)(ix) and/or the Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he failed to make adjustments to the Land Sales for their differences in zoning with the Subject property, or in the alternative, he failed to sufficiently describe in his appraisal report his reasoning that supports his conclusion no adjustment was necessary for the differences in zoning between the Land Sales and the Subject property. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a), 1-1(b), 1-1(c), 2-1(b), 2-2(a)(ix) and/or the Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he failed to make adjustments to the Land Sales for their differences with the Subject property regarding highest and best use, or in the alternative, he failed to sufficiently describe in his appraisal report his reasoning that supports his conclusion that no adjustment was necessary for the difference regarding highest and best use between the Land Sales and the Subject property. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the

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Appraiser Disciplinary Actions continued

Supplemental Standards Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when in the development of the appraisal report for the Subject property, pursuant to the Appraiser's Operation Manual for the Ohio Department of Transportation, he improperly included in his appraisal report a Land Sale that involved a condemning authority as a party to the transaction.

For all these violations, Jeffrey Upton was ordered to pay a civil penalty of \$500.00.

RONNIE STRONG, an Ohio Certified Residential Real Estate Appraiser from Sardinia, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") Standards Rule 1-1(a), 1-2(e), and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to sufficiently summarize the Subject property's neighborhood boundaries and characteristics when he referenced in the appraisal report an attached location map with defined boundaries but the attached map in the appraisal report is without any defined boundaries. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-4(a) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to sufficiently summarize in his appraisal report his basis for concluding Comparable Sales #1 and #2 were in the same condition as the Subject property, even though the Comparable Sales were chronologically 28 years to 40 years older than the Subject property, and did not require any adjustment in the Sales Comparison Approach to the Comparable Sales #1 and #2 in recognition of the significant difference in age with the Subject property. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he reported the Subject property was chronologically 12 years old as of the effective date of his appraisal report but pursuant to the property record card in his workfile, the Subject property was chronologically 10 years old, or in the alternative, he failed to sufficiently summarize in his appraisal report his basis for reporting a different chronological age for the Subject property than the age published in public record. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), 4763.11(G)(7), 4763.11(G)(14) and/or 4763.14 as those sections incorporate the Record Keeping Section of the Ethics Rule for 2004 USPAP by operation of OAC 1301:11-5-01 when he failed to maintain true copies of his appraisal report because the appraisal report he provided the Ohio Division of Real Estate and Professional Licensing pursuant to this investigation is different than his appraisal reports provided by the Complainant to the Division. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-4(a) and/or 2-1(b) by operation of OAC 1301:11-5-01 when the gross living area he reported for Comparable Sale #3 was different than the gross living area reported in public records for Comparable Sale #3, or in the alternative, he failed to sufficiently summarize in his appraisal report his basis for reporting a different gross living area for Comparable Sale #3 than the one published in public records. **6.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he incorrectly reported there were no prior sales of Comparable Sales #1 within three years prior to the effective date of the appraisal report even though public record for Comparable Sale #1 indicates a sale occurred within three years prior to the effective date of the appraisal report on October 18, 2002, for \$155,000. **7.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-2(e) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he incorrectly reported the Subject property had public sewer when in fact the Subject property had a septic system. **8.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-2(e), 2-1(b) by operation of OAC 1301:11-5-01 when he failed to report the zoning classification and description for the Subject property. **9.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(5) as those sections incorporate 2004 USPAP Standards Rule 1-4(b) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to sufficiently support his basis for assigning a \$41,000 value to the Subject property's site in the Cost Approach. **10.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(5) as those sections incorporate 2004 USPAP Standards Rule 1-1(b) by operation of OAC 1301:11-5-01 when he committed substantial error(s) of omission or commission that significantly affected the appraisal report for the Subject property. **11.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(5) as those sections incorporate 2004 USPAP Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a careless or negligent manner by making a series of errors that in the aggregate affected the credibility of the appraisal report for the Subject property.

For all these violations, Ronnie Strong was ordered to pay a civil penalty of \$400.00 and complete fourteen (14) hours of additional education in a class related to Residential Report Writing.

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RONALD SIEBENECK, an Ohio Certified Residential Real Estate Appraiser from Geneva, Ohio, was found in violation of the following with respect to two different real estate appraisals: **1.** In the first appraisal report, he violated ORC 4763.11(G)(5) and 4763.11(G)(7) as those sections incorporate 2003 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as “USPAP”) Standards Rule 1-5(b) and 2-1(b) by operation of OAC 1301:11-5-01 when he failed to disclose a prior sale of the Subject property that occurred within three years prior to the effective date of the appraisal report #1. **2.** In the first appraisal report, he violated ORC 4763.11(G)(5) and 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 2-1(b) by operation of OAC 1301:11-5-01 when he incorrectly made a positive \$1,500 adjustment to Comparable Sale #3 even though the Comparable Sale #3 had more bedrooms and bathrooms than the Subject property. **3.** And in the second appraisal, he violated ORC 4763.11(G)(5) and 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 2-2(c)(ix) and 2-2(c)(xi) by operation of OAC 1301:11-5-01 when he stated in his second appraisal report, “This appraisal was performed as a Limited Appraisal in a Restricted Format,” however he failed to reference his work file in the appraisal report. He failed to state a prominent use restriction in the appraisal report that limits use of the appraisal report to the client and he failed to state in the appraisal report a warning that his opinions and conclusions set forth in the report cannot be understood properly without additional information in his work file.

For all these violations, Ronald Siebeneck was issued three public reprimands and was ordered to complete fifteen (15) hours of additional education in a class related to USPAP, including passing the class exam.

DIRK SCHNEIDER, an Ohio Certified General Real Estate Appraiser from Cincinnati, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the USPAP 2002 Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when throughout his appraisal of the subject property, he made inadequate adjustments to the value of comparable #1, made inconsistent site and age adjustments for comparables #2 through #9, failed to make appropriate adjustments to the values of comparables #4 and #7 to reflect substantial renovations to the Subject property, incorrectly reported the age of comparable #1, and failed to provide adequate data to reflect the upper value range of the Subject property’s market. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the USPAP 2002 Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent and careless manner by his failure to exercise due diligence and due care.

For all these violations, Dirk Schneider was ordered to pay a civil penalty of \$150.00.

CHARLES ROSILE, an Ohio Licensed Residential Real Estate Appraiser from Hubbard, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as “USPAP”) Standards Rule 1-1(a), 1-4(a), 2-1 and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he failed to reconcile or summarize his basis for selecting as a comparable sale, Comparable Sale #1, which was built in 1884 when the Subject property was built in 1977. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-1(a), 1-4(a), 2-1 and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he failed to make adjustments to the comparable sales in the Sales Comparison Approach for the differences in bathrooms with the Subject property, or in the alternative, he failed to sufficiently summarize his basis for concluding no adjustment was necessary for the differences in bathrooms between the Subject property and the comparable sales. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-1(a), 1-2(e) and/or 2-1 by operation of ORC 4763.13(A) when he failed to consistently report the Subject property’s location when he reported on page 1 of 2 on the Fannie Mae Form 1004 (hereinafter referred to as “Form 1004”) that the Subject property was “Rural,” but on page 2 of 2 on Form 1004 in the Sales Comparison Approach, he reported the Subject property was “Suburban.” **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-1(a), 1-2(e) and/or 2-1 by operation of ORC 4763.13(A) when he failed to consistently report the Subject property’s condition when he reported throughout page 1 of 2 on Form 1004 that the Subject property’s condition was “Average,” but on page 2 of 2 on Form 1004 in the Sales Comparison Approach, he reported the Subject property was “Very Good.” **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-1(a), 1-2(e), 1-3 and/or 2-1 by operation of ORC 4763.13(A) when he failed to correctly report the zoning classification and description for the Subject property. **6.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-1(b) by

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operation of ORC 4763.13(A) when he committed substantial error(s) of omission or commission that significantly affected the appraisal report for the Subject property.

In a second appraisal report, Mr. Rosile was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as “USPAP”) Standards Rule 1-1(a), 1-4(a), 2-1 and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he failed to consider as comparable sales in the Sales Comparison Approach, homes that sold within twelve (12) months of the effective date of his appraisal, which were located in same plat, subdivision or street as the Subject property and were of similar age and square footage as compared to the Subject property or in the alternative, he failed to sufficiently summarize his basis for excluding these sales as comparable sales. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-1(a), 1-4(a), 2-1 and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he failed to make adjustments to the comparable sales in the Sales Comparison Approach for the differences in bathrooms with the Subject property, or in the alternative, he failed to sufficiently summarize his basis for concluding that no adjustment was necessary for the differences in bathrooms between the Subject property and the comparable sales. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-1(a), 1-4(a), 2-1 and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he failed to make adjustments to the Comparable Sale #1 and Comparable Sale #2 in the Sales Comparison Approach for the differences in lot sizes with the Subject property, or in the alternative, he failed to sufficiently summarize his basis for concluding that no adjustment was necessary for the differences in lot sizes between the Subject property and Comparable Sales #1 and Comparable Sale #2. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-1(a), 1-2(e), 1-3 and/or 2-1 by operation of ORC 4763.13(A) when he failed to correctly report the zoning classification and description for the Subject property. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-1(c) by operation of ORC 4763.13(A) when he rendered appraisal services in a negligent or careless manner that affected the credibility of the appraisal report for the Subject property.

In a third appraisal report, Mr. Rosile was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as “USPAP”) Standards Rule 1-1(a), 1-6(a), 2-1 and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he failed to properly complete the Income Approach when he selected a GRM of “212.63” when his indicated GRM range from the Sales Comparison Approach was from 111.76 to 137.65 or in the alternative, he failed to sufficiently summarize his basis for selecting a GRM of 212.63. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-1(a), 1-2(e), 1-3 and/or 2-1 by operation of ORC 4763.13(A) when he failed to correctly report the zoning classification and description for the Subject property.

For all these violations, Charles Rosile was ordered to pay a civil penalty of \$750.00 and complete fourteen (14) hours of additional education in a class related to Market Analysis and Highest and Best Use and complete fourteen (14) hours of additional education in a class related to Basic Appraisal Principles and Procedures and complete seven (7) hours of additional education in a class related to the Sales Comparison Approach.

TIMOTHY RICHARDSON, an Ohio Certified Residential Real Estate Appraiser from Hilliard, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as “USPAP”) Rule 1-2(e) and/or 2-1(b) by operation of ORC 4763.13(A) when he failed to report the correct current owner of record for the Subject property as of the effective date of his appraisal report. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 USPAP Standards Rule 1-5(a), 2-1(b) and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he reported the Subject property was under contract for sale as of the effective date of his appraisal report, but he failed to analyze or report his analysis in the appraisal report regarding the current listing of the Subject property, or in the alternative, he failed to report his reason for not analyzing or reporting his analysis of the current listing of the Subject property in the appraisal report. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 USPAP Standards Rule 1-5(b), 1-5(c), 2-1(b) and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he failed to analyze or report his analysis of a prior sale of the Subject

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property that occurred within one month of the effective date of his appraisal on May 17, 2000 for \$38,000 and he failed to reconcile in his appraisal report this prior sale of the Subject property with his value conclusion. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 USPAP Standards 1-4(a), 2-1(b) and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he failed to adjust in the Sales Comparison Approach for Comparable Sale #3 selling for \$5000 more than its published list price, or in the alternative, he failed to report his basis for not making an adjustment to Comparable Sale #3 for selling for \$5000 more than its published list price. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 USPAP Standards Rule 1-1(b) by operation of ORC 4763.13(A) when he committed substantial errors of omission or commission that significantly affected the appraisal report. **6.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 USPAP Standards Rule 1-1(c) by operation of ORC 4763.13(A) when he rendered appraisal services in a careless or negligent manner that affected the credibility of the appraisal report.

In a second appraisal report, Mr. Richardson was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") Standards Rule 1-5(b), 1-5(c), 2-1(b) and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he failed to analyze or sufficiently summarize in his analysis in the appraisal report of the prior sale of the Subject property on April 26, 2000, for \$29,900 and he failed to sufficiently summarize his reconciliation of the Subject property's prior sale with his value conclusion. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 USPAP Standards Rule 1-5(a), 2-1(b) and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when he reported the Subject property was under contract for sale as of the effective date of his appraisal report but he failed to analyze or report his analysis in the appraisal report regarding the current listing of the Subject property, or in the alternative, he failed to report his reason for not analyzing or reporting his analysis of the current listing of the Subject property in the appraisal report. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2000 USPAP Standards Rule 1-1(c) by operation of ORC 4763.13(A) when he rendered appraisal services in a careless or negligent manner that affected the credibility of the appraisal report.

For all these violations, Timothy Richardson was ordered to pay a civil penalty of \$250.00 and was ordered to complete fifteen (15) hours of additional education in a class related to USPAP, including passing the class exam.

STACEY LYNN RENTZ, an Ohio Licensed Residential Real Estate Appraiser from Mentor, Ohio, was found in violation of the following with respect to an appraisal report: **1.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") Standards Rule 2-2(b)(xii) and/or 2-3 by operation of ORC 4763.13(A) when she failed to include with her appraisal report a signed certification. **2.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a), 1-5(b) and/or 2-1 by operation of ORC 4763.13(A) when she failed to report prior sales of the Subject property that occurred within three years of her effective date of her appraisal on July 30, 2002, for \$87,000 and December 16, 2002, for \$0.00 and she failed to analyze and reconcile these prior sales with her value conclusion of \$140,000 as of September 25, 2003. **3.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a), 1-4(a), 2-1 and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when she failed to make consistent adjustments to the sales comparables in the Sales Comparison Approach, including but not limited to the following characteristics: differences in bathrooms, garages, basement, central air, square footage or time, or in the alternative, she failed to sufficiently summarize in her appraisal report her reasons for making inconsistent adjustments for those characteristics. **4.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a), 1-4(a), 2-1 and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when she reported in Addendum #3 to the appraisal report that the Subject property has a view of Lake Erie, but she failed to report the Subject property has a view of Lake Erie in the Sales Comparison Approach and she failed to adjust in the Sales Comparison Approach for the Subject property's view of Lake Erie, or in the alternative, she failed to sufficiently summarize her basis for not making a view adjustment to the sales comparables. **5.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a), 1-2(e), 2-1 and/or 2-2(b)(ix) by operation of ORC 4763.13(A) when she failed to accurately report the Single family housing price for the Subject property's neighborhood. **6.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a), 1-2(e), 1-3 and/or 2-1 by operation of ORC 4763.13(A) when she failed to correctly report the zoning classification and description for the Subject property. **7.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(a), 1-

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2(e) and/or 2-1 by operation of ORC 4763.13(A) when she failed to report her analysis as it pertained to the Subject property's "apparent adverse easements, encroachments, special assessments, slide areas, illegal or legal nonconforming zoning use, etc." on page 1 of 2 on Fannie Mae Form 1004. **8.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the Supplemental Standards Rule for 2003 USPAP, 2-1 and/or 2-3 by operation of ORC 4763.13(A) when she failed to clearly specify in whether she had inspected the interior of the Subject property. **9.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 2-2 by operation of ORC 4763.13(A) when she failed to prominently state in her appraisal report whether the report was a Self-Contained Appraisal Report, a Summary Appraisal Report or a Restricted Use Appraisal Report. **10.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(c) by operation of ORC 4763.13(A) when she rendered appraisal services in a negligent or careless manner that affected the credibility of the appraisal report for the Subject property.

For all these violations, Stacey Lynn Rentz was ordered to pay a civil penalty of \$1,000.00 and to complete fifteen (15) hours of additional education in a class related to USPAP, including passing the class exam, and complete fourteen (14) hours of additional education in a class related to Basic Appraisal Principles and Procedures and complete seven (7) hours of additional education in a class related to Supervising Appraiser Trainees and suspended from the practice of appraising real estate in the State of Ohio for five (5) days.

JUDSON MCCANN, an Ohio Licensed Residential Real Estate Appraiser from Akron, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") 1999 Standards Rule 1-1(a), 1-1(b), 1-1(c), 1-2(f), 1-3, 2-1(a) and 2-1(b) by operation of OAC 1301:11-5-01 when he failed to accurately describe the neighborhood and the attendant characteristics that affect the marketability of the Subject property. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP 1999 Standards Rule 1-1 and 2-1 by operation of OAC 1301:11-5-01 when he used as Comparable #2 a property that was not similar to the Subject property, and he did not substantiate his reasons for using that property as a comparable or make appropriate adjustments for the differences between the Subject property and comparable number 2. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP 1999 Standards Rule 1-4 and 2-1 by operation of OAC 1301:11-5-01 when he failed to sufficiently support his basis for assigning a \$19,280 value to the site of the Subject property in his appraisal report. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP 1999 Standards Rule 1-1(a), 1-1(b), 1-1(c), 1-2(f), 1-3, 2-1(a) and 2-1(b) by operation of OAC 1301:11-5-01 when he failed to accurately describe or verify the zoning for the Subject property. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP 1999 Standards Rule 1-1(a), 1-1(b), 1-1(c) and 1-2(f) by operation of OAC 1301:11-5-01 when he failed to provide adequate information and sound reasoning to support the opinions expressed in his appraisal report, and he limited research and analysis to such a degree that the resulting opinions and conclusions developed in the appraisal were not credible in the context of the intended use of the appraisal. **6.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the USPAP 1999 Standards Rules 1-1(a) by operation of OAC 1301:11-5-01 when he failed to correctly employ recognized methods and techniques that are necessary to produce a credible appraisal report. **7.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the USPAP 1999 Standards Rules 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent and careless manner by failure to exercise due diligence and due care.

For all these violations, Judson McCann is ordered to pay a civil penalty of \$500.00 and to complete fourteen (14) hours of additional education in a class related to USPAP, no passing of test is required.

ROBERT JESSE JR., an Ohio Licensed Residential Real Estate Appraiser from West Chester, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") Standards Rule 1-1(a), 1-4(a) and/or 2-1 by operation of ORC 4763.13(A) when he failed to select comparable sales that were good indicators of value for the Subject property when two of the three comparable sales he used in the Sales Comparison Approach were bank-owned properties and in need of repair when the Subject property was neither bank owned nor in need of repair as of the effective date of the appraisal report. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-

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6(a) and/or 2-1 by operation of ORC 4763.13(A) when he incorrectly reported that Comparable Sale #1 had not sold within the last 3 years when, in fact, Comparable Sale #1 sold on May 14, 2003, to Wells Fargo Bank Minnesota NA for \$70,000, and he failed to reconcile this prior sale of Comparable Sale #1 with its sale in December of 2003 for \$82,000, which he used in the Sales Comparison Approach. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-6(a) and/or 2-1 by operation of ORC 4763.13(A) when he incorrectly reported Comparable Sale #3 had not sold within the last 3 years when, in fact, Comparable Sale #3 sold on July 15, 2003, to JP Morgan Chase Bank for \$65,000, and he failed to reconcile this prior sale of Comparable Sale #3 with its sale in December of 2003 for \$76,000, which he used in the Sales Comparison Approach. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a) and/or 2-1 by operation of ORC 4763.13(A) when he failed to report the specific zoning classification for the Subject property. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(c) by operation of ORC 4763.13(A) when he rendered appraisal services in a negligent or careless manner that affected the credibility of the appraisal report for the Subject property.

For all these violations, Robert Jesse was ordered to pay a civil penalty of \$300.00 and complete seven (7) hours of additional education in a class related to the Sales Comparison Approach.

PATRICK FLANAGAN, an Ohio Licensed Residential Real Estate Appraiser from Canal Fulton, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") 2003 Standards Rule 1-1(a), and 2-1 by operation of OAC 1301:11-5-01 when he used as comparable sales, properties which are not similar to the Subject property, and he did not substantiate his reasons for using those properties as comparables or make appropriate adjustments in the values of the Subject property and the comparables. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP 2003 Standards Rule 1-1(a), 1-1(b), 1-1(c), 1-2(f), 1-3, 2-1(a) and 2-1(b) by operation of OAC 1301:11-5-01 when he failed to accurately describe the neighborhood, its boundaries, and the attendant characteristics that affect the marketability of the Subject property. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP 2003 Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when he failed to accurately state the gross living area and the property dimensions of the Subject property. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the USPAP 2003 Standards Rules 1-1(a) by operation of OAC 1301:11-5-01 when he failed to correctly employ recognized methods and techniques that are necessary to produce a credible appraisal report. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the USPAP 2003 Standards Rules 1-1(b) by operation of OAC 1301:11-5-01 when he committed substantial errors of omission and commission that significantly affected the appraisal. **6.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the USPAP 2003 Standards Rules 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent and careless manner by his failure to exercise due diligence and due care.

For all these violations, Patrick Flanagan was ordered to pay a civil penalty of \$300.00 and ordered to complete seven (7) hours of additional education in a class related to the Sales Comparison Approach and complete fourteen (14) hours of additional education in a class related to Residential Report Writing.

JOHN WELSH, an Ohio Licensed Real Estate Appraiser from Columbus, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-4(b), 2-1(a), 2-1(b) and/or the Conduct Section of the Ethics Rule for 2004 USPAP by operation of OAC 1301:11-5-01 when he overstated the Indicated Value for the Cost Approach because he included the basement's square footage twice in the calculation, once in the dwelling square footage and again as a finished basement. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-4(a), 2-1(a), 2-1(b) and/or the Conduct Section of the Ethics Rule for 2004 USPAP by operation of OAC 1301:11-5-01 when he overstated the Indicated Value for the Sales Comparison Approach because he included the Subject property's basement square footage in the gross living area and he also included the Subject property's basement in the Sales Comparison Approach Column titled "Basement & Finished Rooms Below Grade". **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2003 USPAP Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a careless manner that affected the credibility of the appraisal report for the Subject property.

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In four separate appraisal reports, Mr. Welsh was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP 2000 Standards Rule 1-4 and 2-1 by operation of OAC 1301:11-5-01 when he failed to sufficiently support his basis for assigning a \$10,000 value to the site of the Subject property in the Cost Approach and in his work file. **2.** In a second appraisal report, he violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-4 and Rule 2-1 by operation of OAC 1301:11-5-01 when he failed to sufficiently support his basis for assigning a \$10,000 value to the site of the Subject property in the Cost Approach and in his work file. **3.** In a third appraisal report, he violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP 2000 Standards Rule 1-4 and 2-1 by operation of OAC 1301:11-5-01 when he failed to sufficiently support his basis for assigning a \$10,000 value to the site of the Subject property in the Cost Approach and in his work file. **4.** In a fourth appraisal report, he violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-4 and 2-1 by operation of OAC 1301:11-5-01 when he failed to sufficiently support his basis for assigning a \$10,000 value to the site of the Subject property in the Cost Approach and his work file. **5.** And for each of the four appraisal reports, he violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2000 Standards Rules 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a careless manner by his failure to exercise due diligence and due care.

For all these violations, John Welsh was ordered to complete fifteen (15) hours of additional education in a class related to USPAP pre-licensure, including passing the class examination, and suspended for nine (9) months from the practice of appraising real estate in the State of Ohio.

TAMMI JO RIPLEY, an Ohio Licensed Residential Real Estate Appraiser from Gnadenhutten, Ohio, was found in violation of the following with respect to an appraisal report: **1.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") Standards Rule 1-1(a), 1-1(b), 1-1(c), 1-4(b) and/or 2-1 by operation of OAC 1301:11-5-01 when she reported, without stating the basis for the representation, an effective age for the Subject property of 16 years despite the fact that the actual age of the Subject property at the time of the appraisal was 86 years. **2.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-1(c) and/or 2-1(b) by operation of OAC 1301:11-5-01 when she failed to accurately report the zoning for the Subject property. **3.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-1(c) and/or 2-1(b) by operation of OAC 1301:11-5-01 when she reported for Comparable Sale #1 that there were no recorded sales within the last 3 years, but according to the Cuyahoga County Auditor, she failed to analyze in her appraisal report Comparable Sale #1 sold for \$75,000 in December of 2002 – \$13,000 less than its sale in June of 2003 – which she used as a comparable sale. **4.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-1(c) and/or 2-1(b) by operation of OAC 1301:11-5-01 when she reported for Comparable Sale #2 that there were no recorded sales within the last 3 years, but according to the Cuyahoga County Auditor, she failed to analyze in her appraisal report Comparable Sale #2 sold for \$17,000 in March of 2003 – \$79,000 less than its sale in April of 2003 – which she used as a comparable sale. **5.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-1(c) and/or 2-1(b) by operation of OAC 1301:11-5-01 when she reported for Comparable Sale #2 that there were no recorded sales within the last 3 years, but according to the Cuyahoga County Auditor, she failed to analyze in her appraisal report Comparable Sale #2 sold for \$14,000 in October of 2002 – \$82,000 less than its sale in April of 2003 – which she used as a comparable sale. **6.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when she rendered appraisal services in a negligent or careless manner that affected the credibility of the appraisal report. **7.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(b) by operation of OAC 1301:11-5-01 when she committed substantial error(s) of omission or commission that significantly affected the appraisal report.

In a second appraisal report, Ms. Ripley was found in violation of the following with respect to an appraisal report: **1.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards 1-1(a), 1-1(b), 1-4(a) and/or 2-1(b) by operation of OAC 1301:11-5-01 when she selected Comparable Sales #1 and #2, which were located in Garfield Heights, and the Subject property was located in Maple Heights, and she failed to make a

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location adjustment in the Sales Comparison Approach to recognize this difference, or in the alternative, she failed to sufficiently summarize in her appraisal report her reason no location adjustment was necessary for Comparable Sales #1 and #2. **2.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-1(b), 1-1(c), 1-4 and/or 2-1 by operation of OAC 1301:11-5-01 when she selected Comparable Sales that were located outside her defined neighborhood boundaries on page 1 of 2 for the Fannie Mae Form 1004, and she failed to sufficiently summarize in her appraisal report the reasons for selecting comparable sales located outside the Subject property's neighborhood boundaries. **3.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-1(b), 1-1(c), 1-4 and/or 2-1 by operation of OAC 1301:11-5-01 when she used a 5-year-old home as a comparable sale to the Subject property which was a 79-year-old home as of the effective date of her appraisal report when other, more similarly aged homes were available, or in the alternative, she failed to sufficiently summarize in her appraisal report her reason for selecting a 5-year-old home as a comparable sale to the Subject property. **4.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-1(b), 1-1(c), 1-4 and/or 2-1 by operation of OAC 1301:11-5-01 when she made a conditional adjustment to Comparable Sale #2 when she described Comparable Sale #2 as "Good" and the Subject property as "Average," but she failed to make a conditional adjustment to Comparable Sale #3 when she described Comparable Sale #3 as "Good" and the Subject property as "Average," or in the alternative, she failed to sufficiently summarize in her appraisal report her reason that no conditional adjustment was necessary for Comparable Sale #3. **5.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-1(c) and/or 2-1(b) by operation of OAC 1301:11-5-01 when she reported for Comparable Sale #1 that there were no recorded sales within the last 3 years, but according to the Cuyahoga County Auditor, she failed to analyze in her appraisal report Comparable Sale #1 sold for \$147,000 in May of 2001 – \$22,900 less than its sale in December of 2003 – which she used as a comparable sale. **6.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-1(c) and/or 2-1(b) by operation of OAC 1301:11-5-01 when she inaccurately stated the distance between the Subject property and Comparable Sale #3. **7.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-1(c) and/or 2-1(b) by operation of OAC 1301:11-5-01 when she failed to accurately report the zoning for the Subject property. **8.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(a), 1-1(b), 1-1(c), 1-4(b) and/or 2-1 by operation of OAC 1301:11-5-01 when she reported, without stating the basis for the representation, an effective age for the Subject property of 15 years despite the fact that the actual age of the Subject property at the time of the appraisal was 79 years. **9.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when she rendered appraisal services in a negligent or careless manner that affected the credibility of the appraisal report. **10.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2004 USPAP Standards Rule 1-1(b) by operation of OAC 1301:11-5-01 when she committed substantial error(s) of omission or commission that significantly affected the appraisal report. **11.** She violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6), 4763.11(G)(7) and/or 4763.11(G)(8) as those sections incorporate 2004 USPAP Standards Rule 2-1, the Conduct Section of the Ethics Rule for 2004 USPAP and/or the Management Section of the Ethics Rule for 2004 USPAP by operation of OAC 1301:11-5-01 when she completed a misleading report.

For all these violations, Tammi Jo Ripley was ordered to pay a civil penalty of \$750.00 and she was suspended for thirty (30) days from the practice of appraising real estate in the State of Ohio. She was ordered to complete forty three (43) hours of additional education in the following classes: fourteen (14) hours in a class related to Basic Appraisal Principles and Procedures; fourteen (14) hours in a class related to Residential Report Writing; and fifteen (15) hours in a class related to USPAP pre-licensure, including passing the class exam.

HARRY PISSINI, an Ohio Licensed Residential Real Estate Appraiser from Warren, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2001 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") Standards Rule 1-4(a), 1-5(b)(i), 1-5(c) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to disclose or analyze prior transactions for Comparable Sales # 3 that occurred within one year of the appraisal, and he failed to reconcile these prior transactions with the sale for Comparable Sale #3, which he used in the Sales Comparison Approach. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2001 USPAP Standards Rule 1-4(a) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to report in the Sales Comparison

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Approach the gross living area for Comparable Sale #3 as published in the Data and/or Verification Sources he stated he consulted or in the alternative, he failed to sufficiently summarize in his appraisal report his basis for reporting a gross living area for Comparable Sale #3 that was different than gross living area as published in the Data and/or Verification Sources he stated he consulted. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2001 USPAP Standards Rule 1-2(e) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to sufficiently summarize the neighborhood boundaries and characteristics for the Subject property. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2001 USPAP Standards Rule 1-2(e) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to accurately report the Single family housing pricing range for the Subject property's neighborhood on page 1 of 2 of the Fannie Mae Form 1004. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2001 USPAP Standards Rule 1-2(e) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to report the zoning for the Subject property. **6.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2001 USPAP Standards Rule 1-2(e) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to report the site dimensions for the Subject property. **7.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2001 USPAP Standards Rule 1-4(b) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to sufficiently summarize in his appraisal report or his workfile his basis for assigning \$2,000 to the site of the Subject property in the Cost Approach. **8.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2001 USPAP Standards Rule 1-4(b) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to sufficiently summarize in his appraisal report or his workfile his basis for concluding the Subject property's effective age was 35 years despite the fact that the actual age of the Subject property at the time of appraisal report was 76 years. **9.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2001 USPAP Standards Rule 1-4(a) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to report in the Sales Comparison Approach the site size for Comparable Sale #1 as published in the Data and/or Verification Sources that he said he consulted or in the alternative, he failed to sufficiently summarize in his appraisal report his basis reporting a site size for Comparable Sale #1 that was different than the site size published in the Data and/or Verification Sources he said he consulted. **10.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2001 USPAP Standards Rule 1-1(a) by operation of OAC 1301:11-5-01 when he failed to correctly employ those methods and techniques that are necessary to produce a credible appraisal report. **11.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2001 USPAP Standards Rule 1-1(b) by operation of OAC 1301:11-5-01 when he committed substantial errors of omission or commission that significantly affected the appraisal report. **12.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2001 USPAP Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent or careless manner by making a series of errors that in the aggregate affected the credibility of the appraisal report.

In a second appraisal report, Mr. Pissini was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") Standards Rule 1-5(a), 2-1(b) and/or 2-2(b)(ix) by operation of OAC 1301:11-5-01 when he reported the Subject property was under an agreement of sale, but he failed to analyze the agreement of sale, particularly the sales concessions to be paid by the seller, or in the alternative, he failed to state in his appraisal report for the Subject property that the agreement of sale was unobtainable and the steps he took to obtain the Subject property's agreement of sale. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-5(a), 1-6(a), 2-1(b) and/or 2-2(b)(ix) by operation of OAC 1301:11-5-01 when he failed to analyze the current listing of the Subject property or the recent listing history for the Subject property and reconcile these listings with his value conclusion for the Subject property. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-5(b), 1-6(a), 2-1(b) and/or 2-2(b)(ix) by operation of OAC 1301:11-5-01 when he reported the Subject property's prior recent sales in April of 2003 for \$14,000 and in July of 2003 for \$13,000, but he failed to analyze or reconcile these prior sales with his value conclusion of \$51,000. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 2-2(b)(xii), 2-3 and/or the Record Keeping Section of the Ethics Rule for 2005 USPAP by operation of OAC 1301:11-5-01 when in his response to the investigation conducted by the Division of Real Estate & Professional Licensing (hereinafter referred to as the "Division"), he submitted to the Division a copy of the appraisal report for the Subject property that did not contain a signed Certification page and/or he failed to prepare, maintain and make available to the Division true copies of the appraisal report sent to the client. **5.** He violated ORC

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4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-2(e), 2-1(b) and/or the Record Keeping Section of the Ethics Rule for 2005 USPAP by operation of OAC 1301:11-5-01 when he failed to sufficiently summarize the Subject property's neighborhood boundaries when he stated in the appraisal report that the Subject property's neighborhood boundaries, as he defined them, were in an "attached map addendum," but in the appraisal report sent to the Division, there was no "attached map addendum" defining the Subject property's neighborhood boundaries. **6.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-2(e) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to report the zoning for the Subject property. **7.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-2(e) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to accurately report the Single family housing price range for the Subject property's neighborhood on page 1 of 2 on Fannie Mae Form 1004. **8.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-4(b) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to sufficiently summarize in his appraisal report or work file his basis for assigning \$6,000 to the site of the Subject property in the Cost Approach. **9.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-4(b) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to sufficiently summarize in his appraisal report or workfile his basis for concluding the Subject property's effective age was 20 years old despite the fact the actual age of the Subject property at the time of the appraisal report was 55 years old. **10.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-1(a) by operation of OAC 1301:11-5-01 when he failed to correctly employ those methods and techniques that are necessary to produce a credible appraisal report. **11.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-1(b) by operation of OAC 1301:11-5-01 when he committed substantial errors of omission or commission that significantly affected the appraisal report. **12.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent or careless manner by making a series of errors that in the aggregate affected the credibility of the appraisal report. **13.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2005 USPAP Standards Rule 2-1(a) and/or the Conduct Section of the Ethics Rule for 2005 USPAP by operation of OAC 1301:11-5-01 when he completed a misleading appraisal report for the Subject property.

For all these violations, Harry Pissini was suspended from the practice of appraising real estate in the State of Ohio for 7 days. He was ordered to pay a civil penalty of \$1,250.00 and was ordered to complete the following additional education: 14 hours in a class related to Basic Appraisal Procedures; 15 hours in a class related to USPAP pre-licensure, including passing the class examination; 14 hours of additional education in a class related to Residential Report Writing and complete a class related to the Cost Approach.

RICK MILLER, an Ohio Certified General Real Estate Appraiser from Ludlow Falls, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-1(a), 1-2(e) and/or 2-1(b) by operation of OAC 1301:11-5-01 when he failed to report the zoning for the Subject property. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a careless manner that affected the credibility of the appraisal report.

For all these violations, Rick Miller was ordered to complete fourteen (14) hours of additional education in a class related to Basic Appraisal Principles and Procedures.

DANNY MCCARTY, an Ohio Licensed Residential Real Estate Appraiser from Columbus, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the Supplemental Standards Rule for 2002 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") and/or 2002 USPAP Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a careless or negligent manner when he inaccurately reported the Subject property's site dimensions in the Sales Comparison Approach. He failed to summarize in the appraisal report the reasonable time for exposure in the open market for the Subject property. He completed the appraisal "as-is" when the appraisal report should have been completed "subject to the repairs." He failed to accurately complete "Form HUD-92564-VC"

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included with the appraisal report for the Subject property and/or he failed to accurately report in the appraisal report that the Subject property had a partial basement and a partial crawl space.

For all these violations, Danny McCarty was ordered to pay a civil penalty of \$200.00 and was issued a public reprimand.

THOMAS KNECHT, an Ohio Licensed Residential Real Estate Appraiser from Lancaster, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate Uniform Standards of Professional Appraisal Practice (hereinafter referred to as “USPAP”) 2002 Standards Rule 1-1(a) and 2-1 by operation of OAC 1301:11-5-01 when he used as comparable listings, rentals or sales, properties that were not similar to the Subject property, and he did not substantiate his reasons for using those properties as comparables or make appropriate adjustments in the values of the Subject property and the comparables. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate the USPAP 2002 Standards Rules 1-1(a) by operation of OAC Rule 1301:11-5-01 when he failed to correctly employ recognized methods and techniques that are necessary to produce a credible appraisal report.

For all these violations, Thomas Knecht was ordered to pay a civil penalty of \$250.00 and was issued a public reprimand. He was ordered to complete twenty eight (28) hours of additional education in the following classes: fourteen (14) hours in a class related to Appraising Unique Properties and fourteen (14) hours in a class related to Residential Report Writing.

JO ANN COULSON, an Ohio Certified Residential Real Estate Appraiser from Swanton, Ohio, was found in violation of the following with respect to an appraisal report: **1.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as “USPAP”) Standards Rule 1-1(b), 1-1(c), 1-4(a), 2-1(b) and/or 2-2(b)(ix) by operation of OAC 1301:11-5-01 when she reported on page 1 of the Fannie Mae Form 1004 that the Subject property is located adjacent to the Portage River, but she failed to make any adjustments to the Comparable Sales for the Subject property’s view of the Portage River in the Sales Comparison Approach, or in the alternative, she failed to sufficiently summarize in her appraisal report for the Subject property her reasons for not making such an adjustment to the Comparable Sales. **2.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(b), 1-1(c), 1-4(a), 2-1(b) and/or 2-2(b)(ix) by operation of OAC 1301:11-5-01 when she made a superior site adjustment to Comparable Sale #1 even though the dimensions she reported for Comparable Sale #1 indicate Comparable Sale #1 was smaller than the Subject’s site, or in the alternative, she failed to sufficiently summarize in her appraisal report her reason for concluding Comparable Sale #1’s site was superior to the Subject’s site property despite it being smaller in size in comparison to the Subject’s site. **3.** She violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(c), 2-1(b) and/or 2-2(b)(ix) by operation of OAC 1301:11-5-01 when she reported the Subject property experienced \$1,000 worth of External Obsolescence, but yet on page 1 of the Fannie Mae Form 1004, she reported the Subject property did not experience any External Obsolescence. **4.** She violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(c), 2-1(b) and/or 2-2(b)(ix) by operation of OAC 1301:11-5-01 when she indicated in one part of the report the basement finish was “0%,” but in another part of the report, she reported the Subject’s basement was partially finished. **5.** She violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(c), 2-1(b) and/or 2-2(b)(ix) by operation of OAC 1301:11-5-01 when she failed to report the Subject’s “date of sale” and “Description and \$ amount of loan charges/concessions to be paid by the seller.” **6.** She violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(b), 1-1(c), 1-5(a), 2-1(b) and/or 2-2(b)(ix) by operation of OAC 1301:11-5-01 when she reported but she failed to analyze the Subject’s Agreement of Sale that was available to her in the normal course of business, and she failed to analyze the Listing for the Subject property that was available to her in the normal course of business. **7.** She violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(b), 1-1(c), 2-1(b) and/or 2-2(b)(ix) by operation of OAC 1301:11-5-01 when she failed to report that the Subject’s exterior walls consisted of asbestos siding, or in the alternative, she failed to sufficiently summarize in her appraisal report what “WSI” means, what “WSI” consists of and how “WSI” applies to the Subject property. **8.** She violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(b), 1-1(c), 2-1(b) and/or 2-2(b)(ix) by operation of OAC 1301:11-5-01 when she indicated the appraisal report was made “Subject to the repairs, alterations, inspections or conditions listed below,” but within the appraisal report’s addendum in the Conditions of Appraisal section, she indicated “the value was ‘as-is’ and was not predicated on any noted repairs.” **9.** She violated ORC 4763.11(G)(5), 4763.11(G)(6), and/or 4763.11(G)(7) as those

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sections incorporate 2002 USPAP Standards Rule 1-1(b), 1-1(c), 1-4(a), 2-1(b), and/or 2-2(b)(ix) by operation of OAC 1301:11-5-01 when she failed to do the following in the Sales Comparison Approach: she failed to report Comparable Sale #4 and Comparable Sale #5's distances from the Subject property, and she failed to make site adjustments to Comparable Sale #4 and Comparable Sale #5. She failed to make a consistent basement finish adjustment between Comparable Sales 1 through 3 and Comparable Sales 4 and 5, and she failed to complete the Sales Comparison Approach grid for Comparable Sale #5. **10.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(c), 1-4(b), 2-1(b) and/or 2-2(b)(ix) by operation of OAC 1301:11-5-01 when she failed to sufficiently summarize her basis for assigning a \$28,000 value to the Subject's site in her appraisal report and her workfile. **11.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(c), 2-1(b), 2-2(b)(ix) and/or the Record Keeping Section of the Ethics Rule for 2002 USPAP by operation of OAC 1301:11-5-01 when she included the Subject's basement in the estimate reproduction costs new for the Subject's above-grade dwelling, but she failed to sufficiently summarize in her appraisal report for the Subject property or in her workfile the procedure or analysis she used in reaching her cost per square foot conclusion. **12.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(c), 1-4(b) and/or 2-1(b) by operation of OAC 1301:11-5-01 when she reported, without sufficiently summarizing the basis for her conclusion, an effective age of "30-35" years despite the actual age for the Subject property at the time of the appraisal report was 72 years. **13.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(a), 1-1(b), 1-1(c), 2-1(a), 2-1(b), 2-2(b)(ix), and/or the Competency Rule by and through the Supplemental Standards Rule in 2002 USPAP by operation of OAC 1301:11-5-01 when she failed to report in her appraisal report or in the Valuation Conditions Addenda the problems with settlement cracks in the Subject basement's walls and basement dampness as noted in the Sellers' Residential Property Disclosure Form. **14.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(c) by operation of OAC 1301:11-5-01 when she rendered appraisal services in a careless or negligent manner that affected the credibility of her appraisal report for the Subject property. **15.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(b) by operation of OAC 1301:11-5-01 when she committed substantial error(s) of omission or commission that significantly affected her appraisal report for the Subject property. **16.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 2-1(b) by operation of OAC 1301:11-5-01 when she completed an appraisal report for the Subject property that contained insufficient information that failed to enable the intended users of the appraisal report to understand the appraisal report properly. **17.** She violated ORC 4763.11(G)(5), 4763.11(G)(6) and/or 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 2-1(a) and/or the Conduct Section for the Ethics Rule in 2002 USPAP by operation of OAC 1301:11-5-01 when she completed an appraisal report for the Subject property that was misleading.

For all these violations, Jo Ann Coulson was ordered to pay a civil penalty of \$1,000.00. and was ordered to completed 30 hours of additional education in a class related to Basic Appraisal Procedures, including passing the class exam; 14 hours of additional education in a class related to the Cost Approach; 7 hours of additional education in a class related to the Sales Comparison Approach; and a one-day class related to contract review. Joann M. Coulson was suspended from the practice of appraising real estate in the State of Ohio for 3 days.

JOSEPH ZAJAC, an Ohio Licensed Residential Real Estate Appraiser from Cincinnati, Ohio, was found in violation of the following with respect to a real estate appraisal report: **1.** He violated ORC 4763.11(G)(5) and 4763.11(G)(7) as those sections incorporate 2001 USPAP Standards Rule 1-1(a) when he failed to maintain personal control of his electronic signature and provided his electronic signature to his father. **2.** He violated ORC 4763.11(G)(4) as that section incorporates the 2001 USPAP Standards Rules 2-1(a), and the 2001 USPAP Ethics Rule Conduct Section when he set forth a misleading appraisal that he did not actually prepare but had knowledge that another (his father) prepared the appraisal and signed the appraisal with his electronic signature. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the 2001 USPAP Standards Rules by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent and careless manner by his failure to exercise due diligence and due care.

For all these violations, Joseph J. Zajac was ordered to complete fifteen (15) hours of additional education in a class related to USPAP pre-licensure, including passing the class examination, and he was issued a public reprimand and ordered to pay a civil penalty of \$500.00.

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ESTELLA BENTON, an Ohio Certified Residential Real Estate Appraiser from Shaker Heights, Ohio, was found in violation of the following with respect to an appraisal report: **1.** She violated ORC 4763.11(G)(5) as that section incorporates the 2002 USPAP Standards Rules 1-1(a), 1-4(c)(i), 2-1(a), and 2-1(b) by operation of OAC 1301:11-5-01 when she used higher projected rent figures than her rental comparables and did not describe why or analyze the reasons. **2.** She violated ORC 4763.11(G)(5) as that section incorporates the 2002 USPAP Standards Rules 1-1(a), 2-1(a), 2-1(b) and 2-2(a) by operation of OAC 1301:11-5-01 when she failed to mark the appropriate boxes to describe what type of appraisal report this would be and how it would be reported. **3.** She violated ORC 4763.11(G)(5) as that section incorporates the 2002 USPAP Standards Rules 1-1(a), 1-1(b), 1-1(c) and 2-1(b) by operation of OAC 1301:11-5-01 when she reduced the age of the subject property from 92 years old to an effective age of 40, a 52 year reduction, with no adequate supporting information on improvements. **4.** She violated ORC 4763.11(G)(5) as that section incorporates the 2002 USPAP Standards Rules 1-1(a), 1-1(c), 1-4(b)(i), 2-1(a), and 2-1(b) by operation of OAC 1301:11-5-01 when she failed to provide supporting information on the stated site value of \$13,714. **5.** She violated ORC 4763.11(G)(5), 4763.11 (G)(6), and 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rules by operation of OAC 1301:11-5-01 when she rendered appraisal services in a negligent and careless manner by her failure to exercise due diligence and due care.

For all these violations, Estella Benton was ordered to pay a civil penalty of \$400.00 and to complete seven (7) hours of additional education in a class related to the Supervising Appraisers/Appraiser Trainees.

SALLY CAROTHERS, an Ohio Certified Residential Real Estate Appraiser from Pickerington, Ohio, was found in violation of the following with respect to an appraisal report: **1.** She violated ORC 4763.11(G)(5) and/or 4763.11(G)(6) as those sections incorporate USPAP 2001 Standards Rule 1-1(a), 1-1(b), 1-1(c) and 2-1 by operation of OAC 1301:11-5-01 when she reported that the comparable listings, rentals and sales that she used were located closer to the Subject property than the actual distance between them. **2.** She violated ORC 4763.11(G)(5) and/or 4763.11(G)(6) as those sections incorporate USPAP 2001 Standards Rule 1-3 and 1-4 by operation of OAC 1301:11-5-01 when she failed to adequately or accurately support or to provide consistent or reasonable adjustments to the characteristics of the subject property and the comparable properties. **3.** She violated ORC 4763.11(G)(5) and/or 4763.11(G)(6) as those sections incorporate USPAP 2001 Standards Rule 1-1(a), 1-4(b) and 2-1 by operation of OAC 1301:11-5-01 when she reported, without stating the basis for the representation, an effective age for the subject property of 20 years despite the fact that the actual age of the subject property at the time of the appraisal was 81 years.

For all these violations, Sally Carothers was ordered to pay a civil penalty of \$500.00 and was ordered to complete fourteen (14) hours of additional education in the following classes: seven (7) hours in a class related to the Sales Comparison Approach and seven (7) hours in a class related to USPAP that the Respondent selects.

RHONDA DEARTH, an Ohio Licensed Residential Real Estate Appraiser from New Carlisle, Ohio, was found in violation of the following with respect to an appraisal report: **1.** She violated ORC 4763.11(G)(5) and 4763.11(G)(8) as those sections incorporate the Conduct Section in the Ethics Rule for the 2002 Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") and 2-1(a) by operation of OAC 1301:11-5-01 when she indicated, by not specifying otherwise, that she personally inspected the Subject property both inside and outside and/or the Subject property's 117 acre site when, in fact, she did not do so. **2.** She violated ORC 4763.01(I), 4763.11(G)(5) and 4761.11(G)(8) as those sections incorporate 2002 USPAP Standards Rule 2-1(a), 2-2(b)(vii) and the Conduct Section in the Ethics Rule for the 2002 USPAP by operation of OAC 1301:11-5-01 when she failed to summarize in the appraisal report the tasks performed by another individual in the development of this appraisal report. **3.** She violated ORC 4763.11(G)(5) and 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(a), 1-1(b) and 1-2(e) by operation of OAC 1301:11-5-01 when she failed to mention or consider the Subject property's .75-acre pond and 20 acres of timber or in the alternative, she failed to sufficiently summarize in her appraisal report the reason she did not consider the Subject property's .75-acre pond and the 20 acres of timber. **4.** She violated ORC 4763.11(G)(5) and 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(a), 1-1(c) and 2-1 by operation of OAC 1301:11-5-01 when she selected sales comparables that were located outside the neighborhood boundaries she defined on page 1 of 2 on the Fannie Mae Form 1004, and she failed to sufficiently summarize in her appraisal report the reasons for selecting comparable sales outside the Subject property's neighborhood boundaries. **5.** She violated ORC 4763.11(G)(5) and 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(c) and 1-4 by operation of OAC 1301:11-5-01 when she failed to make consistent adjustments for the differences between the Subject property and the comparable sales relating to the bathrooms. **6.** She

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violated ORC 4763.11(G)(5) and 4763.11(G)(7) as those sections incorporate 2002 USPAP Standards Rule 1-1(c) and 2-1(b) by operation of OAC 1301:11-5-01 when she reported, without stating the basis for the representation, an effective age for the Subject property of 45 years despite the fact that the actual age of the Subject property at the time of the appraisal was 82 years.

For all these violations, Rhonda Dearth was ordered to pay a civil penalty of \$500.00 and was ordered to complete fifteen (15) hours of additional education in a class related to USPAP pre-licensure, including passing the class examination, and she was suspended for six (6) months from the practice of appraising real estate in the State of Ohio.

ANTHONY GLASS, an Ohio Licensed Residential Real Estate Appraiser from Cincinnati, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5) as it incorporates the Conduct Section of the Ethics Rule for 2003 USPAP when he inaccurately reported that he had conducted an inspection of the subject property, including the interior when he had not. **2.** He violated ORC 4763.11(G)(5) as it incorporates 2003 USPAP Standards Rule 1-1(a) by failing to indicate the neighborhood (market) boundary in his appraisal report for the subject property. **3.** He violated ORC 4763.11(G)(5) as it incorporates 2003 USPAP Standards Rule 1-1(c) by using, as comparable properties, properties located nearly three miles from the Subject property, without explanation, and by failing to correctly specify the city where comparable #3 was located. **4.** He violated ORC 4763.11(G)(5) as it incorporates 2003 USPAP Standards Rule 1-4(B)(ii) by failing to include the value of the subject's property garage in the Cost Approach for the appraisal report for the subject property.

For all these violations, Anthony Glass was issued a public reprimand and suspended from the practice of appraising real estate in the State of Ohio for sixty (60) days. He was ordered to complete fifteen (15) hours of additional education in a class related to USPAP pre-licensure, including passing the class exam, and was ordered to complete fifteen (15) hours of additional education in a class related to Appraisal Procedures or the Sales Comparison Approach, including passing the class exam.

SEAN WHALEN, an Ohio Certified Residential Real Estate Appraiser from Fairview Park, Ohio, was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(14) and 4763.14 as those sections incorporate the Record Keeping Section of the Ethics Rule of the Uniform Standards of Professional Appraisal Practice (hereinafter referred to as "USPAP") 2002 when he failed to prepare, maintain and make available, when required by the Division of Real Estate and Professional Licensing, a workfile for the Subject property. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), 4763.11(G)(7) and/or 4763.11(G)(9) as those sections incorporate the Conduct and the Management Sections of the USPAP 2002 Ethics Rule and the USPAP Departure Rule by operation of OAC 1301:11-5-01 when he accepted an appraisal assignment where the employment was contingent upon his preparing or reporting a predetermined estimate, analysis, or opinion, or where the fee to be paid for the appraisal was contingent upon the opinion, conclusion, or valuation attained or upon the consequences resulting from the appraisal assignment, or, in the alternative, he failed to safeguard the integrity of his signature, as that term is defined in USPAP 2002, in appraisals that he authorized another person or other persons to perform. **3.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) by operation of OAC 1301:11-5-01 as those sections incorporate the Conduct provisions in the Ethics Rule of the 2002 USPAP when he indicated, by not specifying otherwise, that he had inspected the Subject property both inside and outside, when he did not. **4.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) by operation of OAC 1301:11-5-01 as those sections incorporate the Conduct provisions in the Ethics Rule of the 2002 USPAP when he did not indicate in the certification page that he did or did not inspect the subject property. **5.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-4(a), 2-1, and the Conduct section of the USPAP 2002 Ethics Rule by operation of OAC 1301:11-5-01 when he falsely reported the sale of and described the characteristics of an allegedly comparable property, Comparable #2. He falsely reported that Comparable #2 sold in November 2002 for \$179,900 when it sold in March 2001 for that amount. He falsely reported that Comparable #2 was 25 years old at the time of the appraisal when it was 8 years old. He falsely reported that comparable #2 had a gross living area of 1,152 when the actual gross living area of Comparable #2 is 1,612 square feet. He falsely reported that comparable #2 was situated on a .74 acre lot when the actual size of the lot for Comparable #2 is 1.77 acres. **6.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-4(a), 2-1, and the Conduct section of the USPAP 2002 Ethics Rule by operation of OAC 1301:11-5-01 when he falsely reported the sale of and described the characteristics of an allegedly comparable property, Comparable #3. He falsely reported that Comparable #3 sold in August 2002 for \$167,500 when it sold in August 1998 for that amount.

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He falsely reported that Comparable #3 was 8 years old at the time of the appraisal when it was 15 years old. He falsely reported that Comparable #3 had a gross living area of 1,581 when the actual gross living area of Comparable #3 is 1,256 square feet. **7.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2002 Standards Rules 1-1(a) by operation of OAC 1301:11-5-01 when he failed to correctly employ recognized methods and techniques that are necessary to produce a credible appraisal report. **8.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2002 Standards Rules by operation of OAC 1301:11-5-01 when he committed substantial errors of omission and commission that significantly affected the appraisal report. **9.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11 (G)(7) as those sections incorporate the USPAP 2002 Standards Rules 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent and careless manner by his failure to exercise due diligence and due care.

In a second appraisal report, Mr. Whalen was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2004 Standards Rule 1-1(a), 1-1(b), 1-1 (c), and by operation of OAC 1301:11-5-01 when he used Comparable #4 and Comparable #5, which were not located in reasonable proximity to the Subject property and had site amenities that the Subject property did not have, and he did not state his reasons for using those comparables. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2004 Standards Rule 1-1(a), 1-1 (b), 1-1(c), 1-2(f) and 2-1(b) by operation of OAC 1301:11-5-07 when he used sale prices for Comparable #1 and Comparable #2, which were sold more than two years prior to the date of his appraisal report, and he did not adequately support his reasons for using those comparables. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-1(a), 1-1(b), 1-1(c) and 1-2(f) by operation of OAC 1301:11-5-01 when he failed to provide adequate information and sound reasoning to verify the opinions expressed in his appraisal report, and he limited research and analysis to such a degree that the resulting opinions and conclusions developed in the appraisal were not credible in the context of the intended use of the appraisal. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2002 Standards Rules 1-1(a) by operation of OAC 1301:11-5-01 when he failed to correctly employ recognized methods and techniques that are necessary to produce a credible appraisal report. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2002 Standards Rules 1-1(b) by operation of OAC 1301:11-5-01 when he committed substantial errors of omission and commission that significantly affected the appraisal. **6.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11 (G)(7) as those sections incorporate the USPAP 2002 Standards Rules 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent and careless manner by his failure to exercise due diligence and due care.

In a third appraisal report, Mr. Whalen was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11 (G)(7) as those sections incorporate USPAP 2004 Standards Rule 1-1(a), 1-1(b), 1-1(c), and by operation of OAC 1301:11-5-01 when he used comparable properties that were not located in reasonable proximity to the Subject property when there had been sales of nearby, comparable properties that occurred within twelve months of the date of the appraisal, and he did not adequately support his reasons for using those comparables. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2004 Standards Rule 1-4 and 2-1 by operation of OAC 1301:11-5-01 when he failed to state a sufficient basis for assigning a \$45,000 value to the site of the Subject property in his appraisal report and his workfile, and he applied only minimal depreciation to the property and its buildings without adequately supporting his reasons for doing so. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11 (G)(7) as those sections incorporate USPAP 2004 Standards Rule 1-1(a), 1-1(b), 1-1(c) and 1-2(f) by operation of OAC 1301:11-5-01 when he failed to provide adequate information and sound reasoning to verify the opinions expressed in his appraisal report, and he limited research and analysis to such a degree that the resulting opinions and conclusions developed in the appraisal were not credible in the context of the intended use of the appraisal. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11 (G)(7) as those sections incorporate the USPAP 2004 Standards Rules 1-1(a) by operation of OAC 1301:11-5-01 when he failed to correctly employ recognized methods and techniques that are necessary to produce a credible appraisal report. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11 (G)(7) as those sections incorporate the USPAP 2004 Standards Rules 1-1(b) by operation of OAC 1301:11-5-01 when he committed substantial errors of omission and commission that significantly affected the appraisal. **6.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2002 Standards Rules 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent and careless manner by his failure to exercise due diligence and due care.

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In a fourth appraisal report, Mr. Whalen was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(14) and 4763.14 as those sections incorporate the Record Keeping Section of the Ethics Rule for USPAP 2002 by operation of OAC 1301:11-5-01 when he failed to prepare, maintain and make available, when required by the Division of Real Estate and Professional Licensing, a workfile for the appraisal of the Subject property. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), 4763.11(G)(7) and/or 4763.11(G)(9) as those sections incorporate the Conduct and the Management Sections of the USPAP 2002 Ethics Rule and the USPAP Departure Rule by operation of OAC 1301:11-5-01 when he accepted an appraisal assignment where the employment was contingent upon his preparing or reporting a predetermined estimate, analysis, or opinion, or where the fee to be paid for the appraisal was contingent upon the opinion, conclusion, or valuation attained or upon the consequences resulting from the appraisal assignment, or in the alternative, he failed to safeguard the integrity of his signature, as that term is defined in USPAP 2002, in appraisals that he authorized another person or other persons to perform. **3.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) by operation of OAC 1301:11-5-01 as those sections incorporate the Conduct provisions in the Ethics Rule of the 2002 USPAP when he indicated, by not specifying otherwise, that he had inspected the Subject property both inside and outside, when, in fact, he did not. **4.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) by operation of OAC 1301:11-5-01 as those sections incorporate the Conduct provisions in the Ethics Rule of the 2002 USPAP when he did not indicate in the certification page that he did or did not inspect the subject property. **5.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-4(a), 2-1, and the Conduct section of the USPAP 2002 Ethics Rule by operation of OAC 1301:11-5-01 when he falsely described the characteristics of the Subject property. He reported, without providing a basis for his opinion, that the effective age of the Subject property was 25 years at the time of the appraisal, although the actual age of the property was 92 years. **6.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-4(a), 2-1, and the Conduct section of the USPAP 2002 Ethics Rule by operation of OAC 1301:11-5-01 when he falsely reported the sale of and described the characteristics of an allegedly comparable property, Comparable #1. He falsely reported that Comparable #1 was sold in December 2001 when it actually was sold in November 2000. He falsely reported that Comparable #1 had 9 rooms although, in fact, it has 7 rooms. He falsely reported that Comparable #1 had a gross living area of 2,608 when the actual gross living area of Comparable #1 is 1,622 square feet. **7.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-4(a), 2-1 and the Conduct section of the USPAP 2002 Ethics Rule by operation of OAC 1301:11-5-01 when he falsely reported the sale of and described the characteristics of an allegedly comparable property, Comparable #2. He falsely reported that Comparable #2 was sold in February 2002 when it actually was sold in June 2001. He falsely reported that Comparable #2 was 95 years old at the time of the appraisal although, in fact, it was 5 years old at the time of the appraisal. He falsely reported that Comparable #1 had a gross living area of 2,114 when the actual gross living area of Comparable #1 is 1,598 square feet. **8.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-4(a), 2-1 and the Conduct section of the USPAP 2002 Ethics Rule by operation of OAC 1301:11-5-01 when he falsely described the characteristics of an allegedly comparable property, Comparable #3. He falsely reported that Comparable #3 was 57 years old at the time of the appraisal although, in fact, it was 5 years old at the time of the appraisal. **9.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-1(a), 1-1(b), 1-1(c) and 1-2(f) by operation of OAC 1301:11-5-01 when he failed to provide adequate information and sound reasoning to verify the opinions expressed in his appraisal report, and he limited research and analysis to such a degree that the resulting opinions and conclusions developed in the appraisal were not credible in the context of the intended use of the appraisal. **10.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2002 Standards Rules 1-1(a) by operation of OAC 1301:11-5-01 when he failed to correctly employ recognized methods and techniques that are necessary to produce a credible appraisal report. **11.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2002 Standards Rules 1-1(b) by operation of OAC 1301:11-5-01 he committed substantial errors of omission and commission that significantly affected the appraisal. **12.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2002 Standards Rules 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent and careless manner by his failure to exercise due diligence and due care.

In a fifth appraisal report, Mr. Whalen was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(14) and 4763.14 as those sections incorporate the Record Keeping Section of the Ethics Rule for 2003 USPAP by operation of OAC 1301:11-5-01 when he failed to prepare, maintain and make available, when

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required by the Division of Real Estate and Professional Licensing, a workfile for the appraisal of the subject property. **2.** He violated ORC 4763.11(G)(5), 4763.11(G)(6), 4763.11(G)(7) and 4763.11(G)(9) as those sections incorporate the Conduct and the Management Sections of the 2003 USPAP Ethics Rule, and the USPAP Departure Rule by operation of OAC 1301:11-5-01 when he accepted an appraisal assignment where the employment was contingent upon his preparing or reporting a predetermined estimate, analysis, or opinion, or where the fee to be paid for the appraisal was contingent upon the opinion, conclusion, or valuation attained or upon the consequences resulting from the appraisal assignment, or in the alternative, he failed to safeguard the integrity of his signature, as that term is defined in USPAP 2003, for appraisals that he authorized another person or persons to perform. **3.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) by operation of OAC 1301:11-5-01 as those sections incorporate the Conduct provisions in the Ethics Rule of the USPAP when he indicated, by not specifying otherwise, that he had inspected the Subject property both inside and outside, when in fact, he did not. **4.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the Conduct provisions in the Ethics Rule of the 2003 USPAP by operation of OAC 1301:11-5-01 when he did not indicate in the certification page that he did or did not inspect the subject property. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2003 Standards Rule 1-4 and 2-1 by operation of OAC 1301:11-5-01 when he failed to state a sufficient basis for assigning a \$25,000 value to the site of the subject property in his appraisal report and his workfile. **6.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2003 Standards Rule 1-4(a), 2-1, and the Conduct section of the USPAP 2003 Ethics Rule by operation of OAC 1301:11-5-01 when he falsely described the characteristics of the Subject property. He reported, without providing a basis for his opinion, that the effective age of the Subject property was 25 years at the time of the appraisal, although the actual age of the property was 96 years. He falsely reported that the Subject property had a gross living area of 1,524 when the actual gross living area of the Subject property is 1,180 square feet. **7.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2003 Standards Rule 1-4(a), 2-1, and the Conduct section of the USPAP 2003 Ethics Rule by operation of OAC 1301:11-5-01 when he falsely reported the sale of and described the characteristics of an allegedly comparable property, Comparable #1. He falsely reported that Comparable #1 had a gross living area of 1,621 square feet when the actual gross living area of Comparable #1 is 2,044 square feet. He falsely reported that Comparable #1 was 86 years old at the time of the appraisal although, in fact, it was 5 years old at the time of the appraisal. **8.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2003 Standards Rule 1-4(a), 2-1 and the Conduct section of the USPAP 2003 Ethics Rule by operation of OAC 1301:11-5-01 when he falsely reported the sale of and described the characteristics of an allegedly comparable property, Comparable #2. He falsely reported that Comparable #2 had a gross living area of 1,546 when the actual gross living area of Comparable #2 is 2,782 square feet. **9.** He violated ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2003 Standards Rule 1-4(a), 2-1 and the Conduct section of the USPAP 2003 Ethics Rule by operation of OAC 1301:11-5-01 when he falsely described the characteristics of an allegedly comparable property, Comparable #3. He falsely reported that Comparable #3 was 85 years old at the time of the appraisal although, in fact, it was 24 years old at the time of the appraisal. **10.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2003 Standards Rule 1-1(a), 1-1(b), 1-1(c) and 1-2(f) by operation of OAC 1301:11-5-01 when he failed to provide adequate information and sound reasoning to verify the opinions expressed in his appraisal report, and he limited research and analysis to such a degree that the resulting opinions and conclusions developed in the appraisal were not credible in the context of the intended use of the appraisal. **11.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2003 Standards Rules 1-1(a) by operation of OAC 1301:11-5-01 when he failed to correctly employ recognized methods and techniques that are necessary to produce a credible appraisal report. **12.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2003 Standards Rules 1-1(b) by operation of OAC 1301:11-5-01 when he committed substantial errors of omission and commission that significantly affected the appraisal. **13.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2003 Standards Rules 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent and careless manner by his failure to exercise due diligence and due care.

In a sixth appraisal report, Mr. Whalen was found in violation of the following with respect to an appraisal report: **1.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-1(a), 1-1(b), 1-1(c) and 2-1 by operation of OAC 1301:11-5-01 when he used comparable sales that were not located in neighborhoods with characteristics comparable to the Subject property, which were not located in reasonable proximity to the Subject property, he falsely reported the distance from the Subject property to the comparables, and he did not state his reasons for using comparables that were not located in close proximity to the Subject property. **2.** He violated

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Appraiser Disciplinary Actions continued

ORC 4763.11(G)(4), 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-4(a), 2-1 and the Conduct section of the USPAP 2002 Ethics Rule by operation of OAC 1301:11-5-01 when he falsely described the characteristics of the Subject property. He reported, without providing a basis for his opinion, that the effective age of the Subject property was 10 years at the time of the appraisal, although the actual age of the property was 52 years. **3.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2002 Standards Rule 1-4 and 2-1 by operation of OAC 1301:11-5-01 when he failed to state a sufficient basis for assigning a \$35,000 value to the site of the subject property in his appraisal report and his workfile. **4.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate USPAP 2003 Standards Rule 1-1(a), 1-1(b), 1-1(c) and 1-2(f) by operation of OAC 1301:11-5-01 when he failed to provide adequate information and sound reasoning to verify the opinions expressed in his appraisal report, and he limited research and analysis to such a degree that the resulting opinions and conclusions developed in the appraisal were not credible in the context of the intended use of the appraisal. **5.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2003 Standards Rules 1-1(a) by operation of OAC 1301:11-5-01 when he failed to correctly employ recognized methods and techniques that are necessary to produce a credible appraisal report. **6.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2002 Standards Rules 1-1(b) by operation of OAC 1301:11-5-01 when he committed substantial errors of omission and commission that significantly affected the appraisal. **7.** He violated ORC 4763.11(G)(5), 4763.11(G)(6) and 4763.11(G)(7) as those sections incorporate the USPAP 2003 Standards Rules 1-1(c) by operation of OAC 1301:11-5-01 when he rendered appraisal services in a negligent and careless manner by his failure to exercise due diligence and due care.

For all these violations, Sean Whalen was suspended from the practice of appraising real estate in the State of Ohio for two years and after completion of the suspension, he may reapply for a real estate appraiser license subject to the criteria in effect in 2009.

Moving? Let Us Know!

Appraisers and Real Estate licensees can update their personal information – home address, phone number or e-mail address – at anytime by going to the Division’s eLicense Center on the Web at www.com.state.oh.us/real. Click on the eLicense Center and choose “Maintain Your License Information” to make any updates. Do you need a User ID and Password? Call the Division at 614-466-4100.





Superintendent Kelly Davids addresses the children who participated in 'Take Your Child to Work Day' with the Division.

'Take Your Child to Work Day' at the Division of Real Estate & Professional Licensing

The Division of Real Estate participated in Take Your Child to Work Day on April 26, 2007. Thirteen children – Nathan, Julia, Baylee, Wesley, Dierre, TeShawn, Elizabeth, Ja'Juan, Roshawn, Cierra, Taylor, Nick and Jessie – visited the Division for a day of fun-filled activities, including breakfast with the Superintendent, a Division tour and scavenger hunt, a tour of the Statehouse and an arson detection canine demonstration courtesy of the State Fire Marshal's office. Each child received a certificate from the Department of Commerce and a personalized business card to commemorate the day.



The Ohio Department of Commerce

State of Ohio
Department of Commerce
Division of Real Estate and Professional Licensing
77 South High Street, 20th Floor
Columbus, OH 43215-6133

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Columbus Office

Voice (614) 466-4100
FAX (614) 644-0584
TTY/TDD: 1-800-750-0750

77 South High Street
20th Floor

Columbus, Ohio 43215-6133

Cleveland Office

Voice (216) 787-3100
FAX (216) 787-4449

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