

NEWSLETTER

Summer 2011 Issue

John R. Kasich
Governor of Ohio

David Goodman
Director of Commerce

Anne Petit
Superintendent

MARK YOUR CALENDAR

Free Core Law Continuing Education Courses in September

The Division of Real Estate & Professional Licensing is glad to announce an upcoming three-hour, core law continuing education course being offered during the last two weeks of September.

The course will focus on updates included in the recent re-write of Ohio Revised Code Chapter 4735, which become effective September 29, 2011, as well as general license law requirements and compliance issues. Of course, these events also serve as an excellent opportunity to meet, interact, and share ideas with Division staff from downtown Columbus.

Seven different locations have been chosen for the course, each having their own separate date. Note: Seating is limited for all seven venues, so be sure to save the date and register as soon as possible.

- Tuesday 9/20: The Marriott in West Chester
West Chester, OH
- Wednesday 9/21: Bowling Green State University's Union Theatre
Bowling Green, OH
- Thursday 9/22: Salt Fork State Park - Park Lodge
Lore City, OH
- Monday 9/26: Kent State University's Kiva Auditorium
Kent, OH
- Tuesday 9/27: Ohio State University's Fawcett Center (a.m. and p.m. sessions)
Columbus, OH
- Wednesday 9/28: Ohio University – Rotunda
Athens, OH
- Thursday 9/29: Lorain County Community College Stocker Arts Center
Elyria, OH

Do not pass up this free chance to complete some of your continuing education hours! Click on the link below to register.

https://www.comapps.ohio.gov/real/real_apps/real/CourseRegistration/default.aspx

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Foreclosures, Broker Duties, and Compliance...Oh, My! by Superintendent Anne Petit

Sometimes it is difficult to see the forest from the trees, especially when the cyclonic real estate market seems to have temporarily swept us into its orbit. Even in the midst of these challenging times, I trust that clearer skies and better days are in our future.



Anne M. Petit

Until then, real estate licensees are being confronted daily with decisions that, depending upon which fork in the road they take, may end up costing them their license. As the Ohio real estate market continues to change, the number of individuals who don't follow the rules or interpret them to their own advantage grows with

each passing day. These "players" are convincing some real estate professionals to participate in "creative" schemes that are unethical and even illegal. In addition, some licensees may devise alternative methods that are less than ethical or down right illegal. No, Toto, we are definitely not in Kansas anymore...

While these individuals operate behind a curtain to convince others that these schemes lead down a road paved with gold, cutting corners and operating around the fringes of license law will always be the wrong way to go. Our real estate professions are largely self-policing. Conscientious real estate brokers, salespersons, and appraisers submit to the Division a significant number of the anonymous and formal complaints received each year. Ridding our communities of these bad actors – licensed and unlicensed alike – will take vigilance and commitment on the part of those who do play by the rules. Working together, we can ensure that real estate transactions in Ohio are handled in an honest and ethical manner.

In this quarter's newsletter, we provide some tips that will help keep you "in bounds" when dealing with short sales, foreclosures, property management, and – in the case of brokers – in properly supervising affiliated salespersons. The number of cases going before the Ohio Real Estate Commission in which a salesperson oversteps into activities that require a broker's license continues to increase. I cannot emphasize enough the importance of the broker's role in properly mentoring and supervising salespersons. But more about that in another issue, perhaps somewhere over the rainbow...

Comments from Commerce Director David Goodman:

Dear Friend to Commerce,

As you read this, the State of Ohio has taken big steps toward economic recovery.

The State's FY 2012-2013 biennial budget closes a multi-billion dollar deficit that Governor John R. Kasich faced when he took the helm, less than six months ago. Ohio had lost 400,000 jobs since 2006. Governor John R. Kasich's clarity of vision for the future and working with the General Assembly has brought us to a balanced budget and a common sense approach to government.



David Goodman

That common sense approach continues in the updated Real Estate and Professional Licensing laws that go into effect this month. We are pleased to offer training on the law changes and continuing education credit at no cost to you. Please, take advantage of this opportunity.

Understanding law changes will enable you to put them into practice and ease the regulatory burden so that you can concentrate on your core business. Commerce is not here to play "Gotcha". Our goal at the Department of Commerce is to assist business through Ohio's regulatory framework so Ohio has the right climate to create jobs.

Superintendent Petit and I look forward to seeing you around the state. Don't hesitate to call on us. Working together, we can make a stronger Ohio.

David Goodman
Director
Ohio Department of Commerce

Division News and Reminders

Governor Kasich Appoints New Member to Appraiser Board

Earlier this summer, Governor John R. Kasich appointed Richard H. "Dick" Hoffman to serve on the Ohio Real Estate Appraisal Board effective June 7, 2011 to June 30, 2012. This is Mr. Hoffman's second appointment to the Ohio Real Estate Appraiser Board, as he fills the unexpired term of Raymond Houk. His first appointment was in 1998.

Mr. Hoffman has been actively engaged in all aspects of real estate appraisal since 1967. In addition to founding and managing the Appraisal Research Corporation, a Findlay, Ohio, based mass appraisal firm incorporated in 1977, he has been active in a number of professional appraisal organizations. Hoffman mentors members of the International Association of Assessing Officers (IAAO) while they work on earning that group's various appraisal designations.



Richard H. "Dick" Hoffman

He is a Certified Ohio General Appraiser, a Certified Indiana Level II Assessor, a Certified Level III Michigan Assessor, and an Iowa Certified Assessor. Mr. Hoffman received his Bachelors Degree from Bowling Green State University and holds an MBA from The Ohio State University

Broker Exam Application Update

In mid-July, the Division changed its Broker License Examination Application and the way it processes them. When completing this form going forward, please be certain that you understand the following:

We will no longer send your sponsoring broker(s) an affidavit to verify that you completed the transactions indicated in your application after we receive it.

Applicants are now required to have their sponsoring broker(s) complete a transaction log within the application and certify it prior to submitting the application to the Division for review. You may download the new application from the Division's website.

Ultimately, this updated process will allow the Division to turn a broker examination application around in three business days instead of weeks. Should you have any questions about this change, please feel free to contact the Division at 614-466-4100.

Policy Updated on Home Addresses

In the Spring 2010 newsletter, the Division notified its licensees that a recent Franklin County Court of Common Pleas decision resulted in the Division having to remove personal home addresses when fulfilling public records requests. Upon review of this policy, it has been determined that a licensee's residential address is information required by law, R.C. 4735.14(B), to be kept by the Division and that information is a "record" as defined in R.C. 149.011(G). Therefore, licensees' home addresses will no longer be redacted from public records requests. Modifications to the Division's online system are in process, and home addresses are expected to be viewable again in the near future.

Brokers Supervising Salespeople: What are the Responsibilities?

Pre-licensure education provides prospective real estate salespeople with the basic knowledge that is required of them in order to pass the state and national real estate exams, but that information does not guarantee new salespeople success in the real estate profession or in complying with Ohio real estate license law. The mentorship offered by the brokers that sponsor those new salespeople is, instead, the most important piece in determining the success of new licensees. That's why it is crucial for brokers to understand their supervisory responsibility when sponsoring licensees. These include, but are certainly not limited to, offering support and training, setting office policies and expectations, helping them comply with their license maintenance requirements, and making certain that they understand and abide by Ohio real estate license law. Without support from the sponsoring broker, a new salesperson could unknowingly make mistakes that violate Ohio license law and may cause the loss of the salesperson's license. Those mishaps often inadvertently end up affecting the reputation of the sponsoring broker and, in some cases, the validity of the broker's license.

Appraisers Must be Paid Customary and Reasonable Fees

The Division described the many ways that the Dodd-Frank legislation will impact Ohio's appraiser program in its Winter 2010-2011 newsletter. One of the most recent changes that stems from Dodd-Frank is that appraisers, effective April 1, 2011, must be paid fees that are "customary and reasonable for appraisal services performed in the market area of the property being appraised." Customary and reasonable fees are to be determined objectively, such as by government agency fee schedules like the Veterans Administration, academic studies, and independent private sector surveys. The fact that an appraiser is currently accepting a certain fee amount from a lender or an appraisal management company is not a reliable measure of whether the fee is customary and reasonable.

If an appraiser believes he or she is not receiving a fee that is customary and reasonable, a complaint may be filed based on the following:

- If the alleged entity in violation is a creditor or depository institution such as a bank, violations should be reported to their federal supervisory agency (Federal Deposit Insurance Corporation (FDIC), Office of the Comptroller of the Currency (OCC), etc.)
- If the alleged entity in violation is a person, creditor, or agent that is not a depository institution, violations should be reported to the Federal Trade Commission.
- Violations may also be reported to the state Attorney General's office.

To find out whether the creditor is federally regulated and by which federal agency, you may perform a search at: <http://www.ffiec.gov/consumercenter/default.aspx>

Please direct questions regarding the customary and reasonable fees to the Federal Reserve Board at <http://www.federalreserve.gov/feedback.cfm>.

Sources:

H.R. 4173, The Wall Street Reform and Consumer Protection Act. p 814.

Federal Register, Federal Reserve System, 12 CFR Par 226 Truth in Lending; Interim Final Rule, Thursday October 28, 2010 p 66569.

Federal Register, Federal Reserve System, 12 CFR Par 226 Truth in Lending; Interim Final Rule, Thursday October 28, 2010 p 66571.

PSI Testing Service's Columbus South Test Center Has Closed

PSI Testing Services closed its Columbus South test center on Alum Creek Drive at the end of June, 2011, due to low activity at that site and as a means to reduce costs in light of today's difficult economic climate. The Columbus North location on Busch Boulevard will remain open.

Intern with Interest in Real Estate Profession Visits the Division

Pauline "Polly" Nungesser, an intern from France, recently spent two months in Ohio studying real estate under the supervision of Rebecca Anderson, a licensed broker with Anderson & Co. in Lancaster. During her stay, Polly stopped by the Division to tour the office and talk with Superintendent Anne Petit about the Real Estate team's operation and the regulation of real property in the United States. "Polly was an absolutely delightful young woman who asked a number of insightful questions and showed a sincere passion for and interest in the real estate industry," reported Superintendent Petit. "We wish her many years of success and happiness as she continues her pursuit of a career in real estate." Unlike the real estate licensing here in Ohio, French schools restrict the number of students admitted to the study of real property each year. Polly is hopeful that upon her return to France she will be notified that she has been accepted to study for her license this fall. The information that she gathered through her visit with Division staff will be featured in a report that she will submit upon returning to France. Bonne chance, Polly!



The Department of Commerce Demonstrates Extreme Generosity in the 2011 Operation Feed Campaign

The Department of Commerce participates in the Operation Feed campaign every spring. When the 2011 campaign kicked-off on March 14, the Department's goal was to collect 8,514 meals by June 15. What the campaign coordinators discovered at the close of the campaign was unprecedented – the Commerce staff had donated a total of 29,485 meals or 346% of its original goal, setting a new record for the Department!



OPERATION FEED

The Division of Real Estate and Professional Licensing collected 2,332 of the total meals – well over its original goal of roughly 750 meals. Real estate investigator, Rick Ashley, led the charge for the Division by serving as its campaign coordinator. He organized a number of events and activities that helped bring out the giving spirit of the Real Estate staff.

All proceeds went to the Mid-Ohio Food Bank and directly benefit families in need.

Ensuring Compliance with Real Estate License Law: The Division is Here to Help

Property Management: What You Need to Know

An active real estate license is required to perform many activities related to real estate, including property management and the leasing of any real estate. Activities that require an active real estate license include performing or attempting to perform:

- negotiating leases,
- approving rental applications,
- setting terms and conditions of a lease,
- offering inducements to prospective tenants,
- showing the property to prospective tenants,
- advertising the property,
- finding tenants for the property.

While an actively licensed broker may engage in property management and/or leasing activities, not all choose to do so. It is crucial that salespersons understand that these activities require a broker's license and that a salesperson must run any and all property management and/or leasing activities through the broker with which the salesperson is licensed.

The Division often responds to questions from its licensees about engaging in property management, including this one that we recently received:

“With many properties remaining on the market for extended periods of time, many of my sellers are asking me to ‘sell it or rent it, whichever comes first.’ Is there anything I can do to help my client without engaging in property management?”

The Division's position is that a licensee would not be engaging in property management *if* the exclusive listing agreement contains an addendum that provides that the listing agent will advertise the home for sale or rent but that the listing agent will provide no other services related to managing the property. If the listing agent receives a phone call from a prospective tenant, the listing agent will only provide the owner's name and number. The listing agent should not provide leases, collect money with respect to leasing the property, screen tenants, or become involved in monthly oversight or maintenance.

If a broker chooses to include this type of listing agreement in the brokerage's business model, the Division recommends that a separate provision be included concerning compensation if the property is leased by the owner prior to the sale of the property.

On the other hand, if a broker chooses to engage in property management and collect and/or maintain rents, deposits, or other money received by the broker in a fiduciary capacity, the broker must establish and maintain a separate property management trust account that is directed and overseen by the broker. All moneys received by the broker in a fiduciary capacity while engaging in property management must be deposited into the property management trust account. Remember – a licensed real estate salesperson shall not collect any money with respect to real estate, except in the name of and with the consent of their licensed real estate broker. When a broker chooses to engage in property management, any affiliated salespeople must be properly supervised by that broker. The licensed salespeople may not independently engage in property management.

Electronic Signatures

Several licensees have recently indicated that they often make offers on behalf of their clients online and only print out and obtain signatures from their buyers if the offer is accepted. While the Division recognizes that certain programs through some lenders will not accept a “traditional” offer, an agent making an offer on behalf of a client in any online forum should print out or electronically save the bid or confirmation screen in the transaction file and provide a copy to the client. In addition, a signature or specific email confirmation should always be obtained from the client signifying that they are making a valid offer. Remember – the more you document, the better off you are!

Additionally, many licensees have raised questions about using electronic signatures in a real estate transaction. In 2000, Ohio adopted the Uniform Electronic Transactions Act (UETA) in Ohio Revised Code Chapter 1306. This law established rules and procedures for using electronic records and signatures in commercial transactions. Under the UETA, neither an electronic record nor an electronic signature should be denied validity simply because of its electronic form. To ensure that consumers are protected from potential abuse, electronic versions of some documents are invalid and unenforceable. Real estate contracts are not automatically excluded from the UETA; however, it is important that licensees follow the proper procedures to ensure an electronically signed contract is legal. Therefore, real estate licensees should consult with private counsel to ensure that electronic signatures are being used properly. In fact, brokers may want to proactively seek legal guidance on the use of electronic signatures for purposes of establishing a company policy on the subject.

An “electronic signature” is specifically defined by the UETA as “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.” The intent of the signatory is very important when determining the validity of the electronic signature. Therefore, an agent should never electronically sign a document on behalf of a client. Additionally, as a licensee, it is your duty to ensure that your client has read and understands each document involved in the real estate transaction.

For any questions concerning license law, you may contact the Division’s Enforcement Section at 614-466-4100. A salesperson should consult with his/her broker, and brokers should contact their own attorney if any questions arise concerning the legality of electronic signatures on documents in a real estate transaction.

Answers to Frequently Asked Advertising Questions

Q1: I entered into a minimum service contract with an owner for advertising the property in the MLS only. The owner would like to place their own “for sale by owner” signs on the property advertising it for sale. Is this permissible?

A1: ORC 4735.16 prohibits a property being advertised as “for sale by owner” if a broker is representing the seller under an exclusive right to sell or lease listing agreement. A minimum services contract that only permits the agent to advertise the property in the MLS would not be considered an exclusive right to sell and the owner may place a “for sale by owner” sign in their yard.

Q2: I am advertising another brokerage’s listing. Would an email or text message satisfy the requirement of obtaining written permission to do so from the brokerage?

A2: It is most important that it is clear that permission is given to advertise. A text message would not meet the requirement; however, an email would be permissible. You should maintain the email for your records.

Q3: I took some photos of a new listing but am not sure if the storage shed in the back is part of the property. Can I still post the picture?

A3: No. Until you can confirm that the shed belongs on the property, it would be misleading to include it in your advertising. In addition, it would be misleading to include any picture that is not the real estate being sold.

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Frequently Asked Advertising Questions continued...

Q4: I have seen other ads that provide statistics about area agents and sales comparisons. I would like to do this, but are there any specific requirements that I need to know about before I create an ad?

A4: Your ad should include a disclosure as to how the statistics were obtained or calculated.

Q5: Am I required to put the Realtor® symbol or fair housing symbol in my advertising?

A5: No, there is no license law requirement that you include the Realtor® symbol or fair housing symbol in advertising. Also be aware that Ohio Revised Code Section 4735.18(A)(12) prohibits a licensee from representing membership in any real estate professional association if the licensee is not really a member.

Q6: Does a listing agent have to advertise "agent/owner" if the agent is a principal in the company that owns the property?

A6: Yes. The agent would need to disclose that information in the advertisement.

Q7: I am using a text-messaging service that potential buyers could use to text a phone number and receive information about that particular house via text. Does my broker information need to be contained in the text message received by the buyer?

A7: As long as the medium in which the potential buyer is obtaining the phone number for the text-messaging service contains the proper broker information that is required by advertising law, the text does not need to contain that information. For example, the text-messaging service phone number is on a yard sign. As long as the yard sign is compliant with advertising law, the text received by the buyer with information on that property does not need to contain the broker's information.

Division Issues Cease and Desist Notices

The Division often receives complaints that individuals and companies are engaging in real estate activities without a license. Ohio Revised Code Section 4735.01 specifically lists the activities that require an individual to have a real estate license.

When necessary, the Division will issue a cease and desist letter to individuals and companies advising that all real estate activity cease until the individual or company is in compliance with Ohio real estate licensure law. If these individuals or businesses continue to engage in unlicensed activity, the Division will initiate a formal investigation. Section 4735.052 of the Revised Code authorizes the Ohio Real Estate Commission, upon a finding of unlicensed activity, to assess a civil penalty against persons engaging in such activity of up to \$1,000 per day, per violation. Additionally, the Division may refer the matter for possible criminal charges to the appropriate county prosecutor's office. Pursuant to Ohio Revised Code Section 4735.99, acting as a real estate salesperson or broker without a real estate license is a first-degree misdemeanor.

The following individuals and companies have recently received cease and desist notices:

• **Daniel J. DePasquale**
Atlas Equity Partners, Ltd.
Akron, OH

• **Fred Mandegari**
First Team Real Estate
Huntington Beach, CA

• **Streamline Management, LLC**
Columbus, OH

Attention Brokers!

Allowing others to sign on behalf of the broker or using signature stamps in lieu of the broker's signature is strictly prohibited on applications or other paperwork being submitted to the Division. The broker's signature certifying the information on the application must be obtained after the forms are filled out. Unacceptable practices related to broker signatures are occurring more frequently and may result in the denial of the application and possibly the loss of the broker's license!

For Your Information

Listing Agent Foreclosure Issues

Some of the most challenging situations currently faced by Ohio licensees include a licensee's involvement in the sale of Real Estate Owned (REO) and/or foreclosure properties. REO companies or asset managers are anxious to put foreclosed properties on the market as soon as possible, so there is frequently pressure to get the assigned property vacated and listed in the MLS. Licensees need to make sure that their responsibilities under license law are not put aside to please asset managers who may not be aware of (or care about) the laws of Ohio.

As a licensee, you should always be mindful of your over-arching fiduciary obligations under license law. Remember throughout the transaction who your client is and how your actions impact his/her best interest. All parties are to be treated honestly, but your client's interest is primary – even before your own.

Here are some guidelines to help in keeping licensees from running afoul of Ohio License Law while working in distressed property situations:

The foreclosure process:

Ohio handles the foreclosure process judicially. There are 11 steps involved in the judicial foreclosure process. They are: 1) Breach letter; 2) Complaint to foreclose; 3) Title Report; 4) Judgment Decree; 5) Praecipe (order of sale); 6) Appraisal by three disinterested freeholders; 7) Newspaper Publication; 8) Foreclosure Sale; 9) Motion to Confirm the Sale; 10) Confirmation Hearing; 11) Sheriff's Deed. (additional information at <http://www.savethedream.ohio.gov/Workshop1.aspx>)

Many asset managers pressure listing agents to put the property on the market immediately after Step 8, the foreclosure sale. In Ohio, there is a redemption period (property may be bought back out of foreclosure by the previous owner by payment of all balances and fees) that lasts up to 30 days until the foreclosure sale has been confirmed (conclusion of Step 10). The property may not be listed before the sale has been confirmed; doing so is a violation of R.C.4735.18(A)(20). The Division previously issued guidance that it is not necessary to wait for the Sheriff's deed to be formally issued, but confirmation must be officially obtained. A licensee may check the County Clerk's Office or website to determine whether the confirmation has been issued (you would need the case number in order to look it up).

"Cash for Keys" or other methods of vacation:

Another area where Ohio licensees have found themselves in trouble with license law is informing or delivering inaccurate information to previous owners or tenants as to their obligation to leave the foreclosed property. Be sure to check with the sheriff's office as to the rights of the occupant before delivering notices which may not be correct in that particular Ohio county. Do not blindly accept the direction of the asset manager!

Paying minor expenses

Another question that arises with REO properties is whether a licensed salesperson may pay a bill owed for lawn mowing or for the utility company servicing the property and then be reimbursed directly for this expense by the asset management company.

In these situations, the Division understands that minor expenses will arise with REO properties. If a salesperson chooses to personally pay this expense and then be reimbursed by the client, this would not be a violation of the license law. However, there are a couple of things that should take place prior to making such an out-of-pocket expenditure:

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Listing Agent Foreclosure Issues continued...

- 1) Talk to your broker. Does the brokerage policy address this situation, and if so, how? If your broker is amenable to you paying for and being directly reimbursed for such expenses, it would be wise to **get that agreement in writing**.
- 2) Consider the possibility that you might not be reimbursed by the client. Some asset management companies have very strict requirements for reimbursement and if the requirements are not met, i.e. the bill is submitted too late, the agent may not be reimbursed.
- 3) Never, ever deposit a reimbursement check made payable to you and your broker without getting your broker's endorsement on the check first – even if you have an agreement with your broker that you may receive reimbursement directly.
- 4) Consult a tax professional about how direct reimbursement may affect your tax position and/or reporting.

As an Ohio real estate professional, it is essential that you be knowledgeable in your duties and responsibilities as a licensee. Since each set of circumstances is different, if as a salesperson, you face a situation you are unsure about, contact your broker for advice. In addition, the Division's Enforcement Section can also be contacted at 614-466-4100.

Mortgage Assistance Relief Services (MARS) Rule

The Federal Trade Commission (FTC) has announced that it will not enforce most provisions of the Mortgage Assistance Relief Services (MARS) Rule against real estate licensees that assist financially distressed consumers in obtaining short sales from their lenders or servicers.

The FTC will not enforce most of the provisions of the MARS Rule against real estate licensees who are engaged in obtaining short sales for consumers. This applies only to real estate licensees who: 1) are licensed and in good standing under state licensing requirements; 2) comply with state laws governing the practices of real estate professionals; and 3) assist or attempt to assist consumers in obtaining short sales in the course of securing the sales of their homes. The real estate licensees who meet these requirements will not be obliged to make MARS disclosures and will be exempt from the ban on collecting advance fees. All licensees will remain subject to the Rule's ban on misrepresentations. In addition, the MARS rule will still apply to licensees who provide other types of mortgage assistance relief, such as loan modifications.

More information about the Rule can be found [here](#), and information about consumers' mortgage rights can be found [here](#). The Federal Trade Commission works for consumers to prevent fraudulent, deceptive, and unfair business practices and to provide information to help spot, stop, and avoid them. The FTC's website provides free information on a variety of consumer topics.

Stay Informed

Revoked: the Ramifications of Allowing Your License to Expire

It is extremely important to understand the consequences that come as a result of having your license revoked, since the process of becoming re-licensed after a revocation can be very difficult, expensive, and time consuming. The holder of a revoked license cannot reactivate that license; instead, they would be treated as a brand new applicant and would have to comply with the current requirements that are needed in order to become re-licensed. While those steps may not seem difficult to achieve at first glance, the Division encounters situations regularly where a holder of a revoked license wants to become re-licensed and then discovers that they no longer meet the education or experience requirements they once did when originally licensed. Below are a few examples that demonstrate how complex the process of becoming re-licensed after a revocation can be:

Example One

John became a licensed real estate salesperson on October 1, 1977, and obtained his broker license shortly thereafter. On October 1, 2010, his broker license was revoked for failure to comply with his renewal requirements. John contacted the Division upon learning about the revocation and asked what steps he would need to take in order to reactive the license. Upon reviewing his file, the Division found that John no longer met the education requirements needed to become a licensed real estate broker. On January 4, 1984, the education requirements for obtaining a broker license changed within Ohio Revised Code 4735.07 to include two years of post-secondary education coursework from an accredited college or university. John became a licensed real estate broker prior to that requirement taking effect and, therefore, had no reason to complete any post-secondary education coursework at the time he was originally licensed. As a brand new broker license applicant in 2010, however, he would have had to comply with the current requirements, which included the completion of two years of post-secondary education, in order to become re-licensed as an Ohio real estate broker.

Example Two

Patricia was a real estate salesperson for 25 years but decided in 2004 that she no longer wanted to actively engage in the real estate industry. Instead of renewing her license that year as required, she allowed her license to lapse and her license was revoked in 2005. In 2011, Patricia contacted the Division and expressed an interest in becoming a real estate salesperson again. The Division informed her that she would need to complete the 120 hours of pre-licensure coursework again in order to become re-licensed since she had not been licensed as a salesperson or broker within a four-year period immediately preceding her current salesperson examination application and since her original pre-licensure coursework was more than 10 years old as outlined in Ohio Revised Code 4735.09(F)(6)(b). Although she had 25 years experience in the industry, she no longer met the education requirements needed to become re-licensed.

As demonstrated in both of the cases above, John and Patricia found themselves having to spend a significant amount of time and money in order to become re-licensed after their original licenses had been revoked for failure to renew them. Had they understood the ramifications of a revoked license, they may have thought twice before allowing their licenses to lapse into revocation. There are certainly instances where a licensee may want to surrender a license, but it is important in that situation to understand the additional steps required if you later decide to become re-licensed. As such, you should always contact the Division at 614-466-4100 to seek assistance prior to allowing your license to lapse.

Online Services Available to Licensees

The Division currently offers several online services that make renewing a license, updating and maintaining information related to a license, and finding important information about a license easy and convenient. All of these services are located on the Division's website under the "Online Services" heading.

License Renewal: Licensees can access this link to renew their licenses.

Please note:

1. Licensees must have their user name and password in order to log in to this system. This information is included in the renewal notices. If you cannot locate this information, please contact the Division at 614-466-4100;
2. Licensees may only access this service within 60 days prior to their renewal date;
3. Licensees cannot submit their continuing education electronically; they are still required to physically mail their continuing education certificates to the Division along with the Continuing Education Compliance Form.

License Maintenance: Licensees can use this tool to maintain their license information, including their home and email addresses.

License Information Look Up: Licensees can use this service to find important information about their license, such as:

- Continuing education courses taken
- Renewal due dates
- License status
- Company information and more!

As reported in our Spring 2011 newsletter, the Division continues to work toward creating additional online services that will allow licensees to submit their continuing education and all other applications completely online. These services would also permit licensees to pay any necessary fees online. As always, we will provide you with an announcement as soon as these services are available – stay tuned.

Does the Division Have Your Email Address on File?

Have you provided the Division with your current email address? If not, there are two easy ways to add your email contact information to your file: by logging in to the Division's online License Maintenance center or by sending an email to webreal@com.state.oh.us. It is important for the Division to have your email address on file so that we can send you industry and licensing updates as quickly as possible. By keeping you informed, you will be better able to ensure compliance with Ohio real estate license law!

Appraiser Alley

Appraiser License Data and the ASC's National Registry

The Appraisal Subcommittee (ASC) is the federal entity charged with overseeing the appraiser licensing and enforcement programs in all 50 states. One of its requirements is to maintain a national registry of all state certified and licensed appraisers. The national registry, which can be found on the ASC's website, contains general information about all licensed and certified appraisers, including their names, business addresses, phone numbers, license types, license numbers, license status, license effective dates, expiration dates, and any current discipline filed against them. Although each state's appraiser licensing agency is only required to submit this information to the ASC registry on a monthly basis, the Ohio Division of Real Estate and Professional Licensing reports updates to the ASC registry on a weekly basis as a courtesy to its license and certificate holders. If you find any discrepancies when researching information within the national registry, please contact the Division at 614-466-4100.

Meet the Appraiser Enforcement Section

The Division's Appraiser Enforcement Section, which currently consists of three investigators and one enforcement supervisor, is responsible for investigating complaints received against Ohio's certified and licensed appraisers and registered appraiser assistants. The team combines a wide range of prior investigations and enforcement experience both in the private and public sectors. Each staff member has completed numerous hours in Uniform Standards of Professional Appraisal Practice (USPAP) coursework and specialized appraiser investigator training provided by the Appraisal Foundation. They work hard to efficiently conduct fact-based, thorough investigations that are in compliance with their federal oversight entity, the Appraisal Subcommittee.

Investigator Nick Chucales became a member of the Division in July, 2010. Nick is a licensed real estate salesperson with experience in residential and commercial development. Additionally, he has over 14 years of investigative and enforcement experience as an officer for the Columbus Police Department.

Investigator Shannon Drawns has worked in the Division as an investigator since October, 2007. Her background includes working for one of the nation's largest lenders where she conducted research and investigation of mortgage loan portfolios. Shannon is currently working toward her Bachelor of Arts degree with a concentration in Public Administration and Criminology. She is scheduled to graduate in December, 2011.

Investigator Quiana Taylor joined the Division in October, 2008. She worked as a Certified License Examiner for the Division prior to joining the appraiser enforcement team in October, 2009. Quiana has a Bachelor of Science degree in Sociology with a minor in Criminal Justice from Central State University and has investigatory experience as a result of past work in rehabilitation and corrections.

Enforcement supervisor Danitra Kourkounakis began her career with the Division in May, 2004. She earned a Bachelor of Arts degree from Capital University. Danitra has a background in white-collar crime investigations from her work as a fraud analyst for a major credit card company.



*From left to right: Quiana Taylor, Danitra Kourkounakis, Shannon Drawns.
Absent: Nick Chucales*

Real Estate Disciplinary Actions

Listed below are the Real Estate Disciplinary Actions for March 2011 to August 2011. Details of each action can be found on the website at: <http://www.com.ohio.gov/documents/Summer11REdiscipline.pdf>

REVOCATIONS/PERMANENT SURRENDER/RESIGNATIONS

Karyn J. Buggs	Broker	Shaker Heights
Trisha Carpenter	Salesperson	Massillon
Judith A. Koob	Broker	Columbus

SUSPENSIONS, FINES, EDUCATION and REPRIMANDS

Joseph Audino	Salesperson	North Royalton
Jere Austin	Broker	Lakewood
Gary E. Babcock	Salesperson	Newark
J. Paul Basinger	Broker	North Lima
Randy J. Best	Broker	Upper Arlington
Fred D. Bradley	Broker	Euclid
Jo Beth Bryant	Salesperson	Xenia
Robert S. Cassel	Broker	Worthington
Frank Chahulski	Salesperson	Seven Hills
Marsha Conner	Salesperson	Jamestown
William Drenik, Jr.	Salesperson	Geneva
Central Group, Inc	Real Estate Co.	Toledo
Donald R. Dobbs	Broker	Milford
Michael Glass	Broker	Columbus
Kevin D. Gordon	Broker	Akron
Jackie Hamilton	Salesperson	Leesburgh
Tony Harker	Salesperson	Dayton
Cindy S. Harrison	Salesperson	Grove City
Sheila R. Hirschfeld	Salesperson	New Bremen
Damian Incorvia	Salesperson	Lakewood
Maria Koob	Salesperson	Columbus
Richard C. Luzny	Salesperson	Napoleon
Joe E. Martin	Salesperson	Akron
Alexandria McAdams	Broker	Rocky River
Kristin J. Mutfi	Salesperson	Perrysburg
Jason L. Opland	Salesperson	Delaware
Susan Penwell	Salesperson	Poland
Joyce Petty	Broker	Cleveland Heights
Ellen E. Radatz	Salesperson	Kings Mills
Robert S. Riehle	Salesperson	Morrow
Kenneth Roberts	Broker	Massillon
Dawn Faye Ronski	Salesperson	Swanton
Ronald N. Russell	Broker	Strongsville
Linda Schutte	Salesperson	Springfield
Cathy J. Scott	Salesperson	Minford
David Sleva	Salesperson	Westlake
J. Steve Strong	Salesperson	Huber Heights

Real Estate Disciplines continued...

SUSPENSIONS, FINES, EDUCATION and REPRIMANDS

Keith Tammarine	Salesperson	Perrysburg
Mark Thompson	Broker	Cincinnati
Linda Faye Wise	Salesperson	Canton
Robert Zavasini	Salesperson	Cincinnati
Charles P. Zidian	Broker	Youngstown

UNLICENSED ACTIVITY

Aishia Johnson	Columbus
M & A Property Management	Columbus
David Wright	Cincinnati

Appraiser Disciplinary Actions

Listed below are the Appraiser Disciplinary Actions for March 2011 to August 2011. Details of each action can be found on the website at:

<http://www.com.ohio.gov/documents/Summer11appraiserdiscipline.pdf>

SUSPENSIONS, FINES, ADDITIONAL EDUCATION AND REPRIMANDS

Margo Behnfeldt	Certified Residential Appraiser	Napoleon
Timothy Gilchrist	Licensed Residential Appraiser	Gahanna
Brian Grancha	Certified Residential Appraiser	Cleveland
Amy Humphrey	Licensed Residential Appraiser	Cincinnati
Shawn Long	Certified General Appraiser	Cambridge
James Plummer III	Certified Residential Appraiser	Scottsdale
Karl Schabel	Certified Residential Appraiser	Fremont
Marcellus Smith	Licensed Residential Appraiser	Dayton
Michael Thomas	Licensed Residential Appraiser	Chardon

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For news and updates about Ohio's real estate and professional licensing industry, follow the Division of Real Estate & Professional Licensing on Twitter @OHDIVRealEstate. Twitter is an online social networking tool which allows users to send and receive information at an unprecedented speed. Keep up-to-date on changes to Ohio's real estate industry, legislation announcements, continuing education opportunities, outreach events happening throughout the state, and more! Simply go to www.Twitter.com and "Follow" @OHDIVRealEstate.



Department of Commerce

Division of Real Estate & Professional Licensing

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Department of Commerce
Division of Real Estate and Professional Licensing
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