

# NEWSLETTER

Winter 2010 Issue

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Governor of Ohio

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## 2009 Profile of Ohio's Home Buyers and Sellers

As the result of action taken by the Ohio Real Estate Commission and a grant funded by the Ohio Real Estate Education & Research Fund, the National Association of REALTORS® recently completed a research project that examined the profile of Ohio home buyers and sellers in 2009. Results of the project provide interesting insight into the real estate residential marketplace during that time that may be particularly beneficial to Ohio real estate professionals. The findings could offer licensees a better understanding of the individuals they represent and how those individuals' home buying and selling trends have changed over time and in comparison to the rest of the nation.

Below are highlights from the Executive Summary of the research:

### OHIO PROFILE 2009

#### Characteristics of Home Buyers

- Forty-seven percent of recent home buyers were first-time buyers, compared to 47 percent nationwide.
- The typical first-time home buyer was 28 years old, while the typical repeat buyer was 48 years old. Nationwide, first-time buyers were typically 30 and repeat buyers were typically 48 years old.
- The 2008 median household income of buyers was \$67,000; this is lower than the median income of buyers nationwide, which was \$73,100.
- Twenty percent of recent home buyers were single females, and 10 percent were single males. Nationwide, 21 percent of recent home buyers were single females, and 10 percent were single males.

#### Characteristics of Homes Purchased

- The typical home purchased was 1,800 square feet in size and was built in 1979.
- The median price of homes purchased was \$147,900, compared to \$185,000 nationwide.

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## 2009 Profile continued...

### Financing the Home Purchase

- Ninety-one percent of home buyers financed their recent home purchase. This is similar to all buyers nationwide in which 92 percent financed their recent home purchase.
- The typical buyer financed 92 percent of their recent home purchase.

### Home Buying and Real Estate Professionals

- Seventy-nine percent of buyers purchased their home through a real estate agent or broker.
- Nine percent of buyers purchased a home in foreclosure. Nationally, 10 percent of buyers purchased a home in foreclosure.
- Forty-four percent of buyers found their agent through a referral from a friend or family member.

### Home Selling and Real Estate Professionals

- Forty-two percent of sellers who used a real estate agent found their agents through a referral by friends or family, and 22 percent used the agent they worked with previously to buy or sell a home.
- Ninety-two percent of sellers reported that their home was listed or advertised on the Internet.
- Among recent sellers who used an agent, 84 percent reported they would definitely (56 percent) or probably (28 percent) use that real estate agent again or recommend the agent to others.

The full Executive Summary, as well as separate reports on profiles for home buyers and sellers in Cincinnati, Cleveland, and Columbus, is available at <http://www.com.ohio.gov/real/ERCommitteeReports.aspx> under the Education & Research Committee Studies section of the Division's website.

## Ohio Real Estate Outlook Improving

Optimism is growing in the real estate marketplace. Following an extended period of dismal sales, the last quarter of 2009 saw an uptick in the number of homes sold in Ohio with a 10.9% increase statewide compared to sales during the same time in 2008. These sales were due in part to the services provided by Ohio's real estate licensees. The Division of Real Estate & Professional Licensing worked hard to assist more than 45,500 real estate professionals keep their business and personal licenses up to date. During this period, the Division also welcomed 521 new licensees into the profession – an increase of 23.03% over the last quarter of 2008 - and provided guidance and support to 38 new real estate companies that opened during this time period - 42.11% more than were opened during the last three months of 2008. With 2010 underway, the Division remains committed to helping Ohio's real estate professionals succeed, knowing that the turnaround in the real estate market will provide a foundation for economic growth and job expansion in the coming year.<sup>1</sup>

The Division continues its efforts to combat predatory practices in the real estate industry. In the past three years, the Ohio Real Estate Appraiser Board revoked 14 appraiser licenses and required the permanent surrender of 21 appraiser licenses for improper appraisal practices. In addition, the Ohio Real Estate Commission disciplined real estate agents for unethical conduct and cracked down on unlicensed real estate activity, which included land-trust and investor scams. Since 2004, the Commission has assessed \$3.6 million in unlicensed civil penalties, sending a message that such conduct will not be tolerated by the State of Ohio.

<sup>1</sup>The Ohio Association of REALTORS®, "News...Ohio Home Sales Statistics: December Home Sales for Ohio," December, 2009, <http://www.ohiorealtors.org/news/stats/index.aspx>.

## What to Expect at Administrative Hearings or Appraiser Board and Real Estate Commission Meetings

To assist licensees who receive charge letters from the Division informing them of alleged violations of Ohio real estate license law, the Division is providing the overview below. It provides information on what licensees can expect to occur at administrative hearings or at meetings of the Ohio Real Estate Appraiser Board and the Ohio Real Estate Commission.

### Administrative Hearings

Although an administrative hearing on charges against you is a serious matter, it is not meant to be an intimidating proceeding and is your opportunity to present your side of the story. When you prepare for your hearing, you should consider whether you want to consult with an attorney about the charges against you and/or to have an attorney present with you at the hearing. The Division will be represented by an Assistant Attorney General at the hearing. A hearing officer will preside over the proceeding.

**Legal Counsel:** If you do not have an attorney with you when you come to your hearing, the Hearing Officer will ask you if you have had the opportunity to talk with an attorney about the charges against you. The Hearing Officer will ask you if you want to go forward without an attorney. You do not need to have an attorney present with you that day in order to proceed with your hearing, but it is an option for you. Ideally, you will have made a decision to have counsel or not prior to the hearing day.

**Be Prepared:** At the hearing you will have an opportunity to present your side of the story about the charges against you. You will also be able to provide copies of documents that support your position, so make certain that you bring 4 copies of any documents that you want the Hearing Officer to consider.

**About Witnesses:** You may bring witnesses with you to the hearing to testify **if** they have personal information about the charges. You will have the chance to ask questions of your witness and any witnesses called by the Division. You may testify on your own behalf to tell your story. The Division attorney (Assistant Attorney General) will ask you questions, and the Hearing Officer may question you and your witnesses. The Hearing Officer wants to have a complete picture of what occurred. The Hearing Officer swears all witnesses in because all testimony is under oath. Your witnesses may be asked to wait outside the hearing room before they testify but may stay in the hearing room to listen to the rest of the hearing after they testify.

**Length of Hearing:** This will vary depending on the number of the Division's charges and the number of witnesses. Some hearings take only an hour, while some last for several days. Be prepared to stay for the day by parking at a parking garage so that you do not have to disrupt the process by leaving the hearing to feed a parking meter. If the hearing takes all day, there will be breaks.

**Recording the Hearing:** Everything that happens at the hearing is recorded.

**During the Hearing:** Turn off your cell phone. Be courteous.

**After the Hearing:** The hearing is completed when you and the Division have finished the testimony of your witnesses and given the Hearing Officer all of the requested documents. The record is then "closed." Real estate license law provides that the Hearing Officer has 25 business days to write a report of findings of fact and conclusions of law. After writing their report, the Hearing Officer sends it to the Division, which in turn sends you a copy.

**Objections to the Hearing Officer's Report:** It is very important for you to open and read the Hearing Officer's report as soon as you receive it. If you disagree with the decision or any information in the report, you have 10 days **from the date the report was mailed to you** to tell the Division **in writing** if you disagree and, if so, why.

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## What to Expect continued...

After the report is mailed, you will be scheduled to appear before the Ohio Real Estate Appraiser Board or the Ohio Real Estate Commission. The Board or Commission reviews the hearing officer's report and determines discipline.

### **Appearing Before the Board or Commission**

Appearances before the Board or Commission are similar to appearances before a Hearing Officer. You may want legal counsel to represent you before the Board or Commission and, if you don't, you will be asked, on the record, if you want to proceed without one. If you testify, you will be sworn in. Just like in a hearing, please turn off your cell phone.

**Prior notice of the Board or Commission meeting:** The Division will send advance written notice when the case will be reviewed by the Board or the Commission. The Division sends this letter approximately two weeks prior to the scheduled Board or Commission meeting. The letter will be sent by certified mail. It is important for individuals to sign for this letter as it will provide important information, such as the date and location of the meeting and the approximate time when the Board or Commission will review a particular case.

**At the Board or Commission meeting:** The Board and Commission meetings are open to the public and are usually held in the Division hearing room. The five commissioners or board members sit in the front facing the complainants, respondents, and Division representatives who have separate tables at which they sit. You will be scheduled in a time slot on the agenda along with other respondents. Most people wait in the lobby immediately outside the hearing room. You may want to bring reading material in the event that the case before yours runs late. When it is your time to appear, a Division representative will call your name. What takes place at your appearance depends on why you are appearing. In all matters, however, you and the Assistant Attorney General representing the Division will have an opportunity to speak. The commissioners and board members may question you or your counsel.

**Review of Hearing Officer's Report:** If the Board or Commission is reviewing a hearing officer's report, only testimony of the complainant or respondent is permitted. This testimony may be in writing or orally presented to the Board or Commission. Only evidence that had already been submitted into the record at the hearing before the Hearing Officer is permitted at this time. The Board or Commission will review the report and decide whether to adopt, modify, or reject it. If it finds a licensee in violation, the Board or Commission will also determine the discipline to be imposed. Discipline may be a public reprimand, a fine, an order to complete additional education courses, suspension, or revocation.

**Settlement Agreements:** In some cases, the Division and the respondent enter into a settlement agreement that must be reviewed by the Board or Commission. In the settlement agreement, the respondent admits to the charged conduct and agrees to the imposed discipline. During the review of a settlement agreement, the licensee will have an opportunity to provide testimony and answer questions under oath. The Board or Commission will not consider evidence in support or defense of the Division's charges - only evidence regarding mitigation or lessening of the sanctions - if the respondent chooses to ask for leniency.

**Unlicensed Activity:** If you have been charged with unlicensed activity (acting like an agent but you don't have a license), you will not go before a hearing officer. Per statute, unlicensed activity hearings are held before the Real Estate Commission. Parties may present evidence, examine witnesses appearing for and against the party, or present their position in writing. As with licensed activity cases, you may want to seek legal representation.

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## What to Expect continued...

**No Further Action Appeal:** If a complainant files a request to have the Board or Commission review the Superintendent's decision to take no further action on a case, the Board or Commission will only hear the testimony of the licensee, the complainant, or their counsels. Division Counsel will read a brief statement of the reasons why the Superintendent decided to close the case with no further action taken. Then, the complainant or his or her counsel will have the opportunity to address the board or commission. Board or Commission members will then ask any questions they may have. If the licensee or the licensee's counsel is present, they will have an opportunity to address the Board or Commission and will be subject to questions from the board or commission as well.

**When the Commission or Board Makes a Decision:** After hearings and appearances conclude, the Board or Commission will go into executive session to discuss the case. This deliberation is not open to the public. The Board or Commission members will emerge from this private session, go back on the record, and vote on the outcome of the case. Their decision, which is called an order, will be put into writing by the Division's staff and the order will be mailed to the licensee, the complainant, and their counsels within 10 days of the Board or Commission meeting. It is imperative that you read the order upon receipt, because, if you disagree with the order, you may file an appeal within 15 days after the order was mailed.

## Sheriff's Sales: When May a Licensee List?

Section R.C. 4735.18(A)(20) of the Revised Code provides that a licensee may be disciplined for "[h]aving offered real property for sale or for lease without the knowledge and consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent." The Division would not consider a broker entering into a listing agreement with the Sheriff Sale purchaser after confirmation of the sale but prior to the issuance of the deed to be in violation of this license law.

### Important Information about Holding Companies

The Division often receives inquiries concerning holding companies, also known as referral companies. A "holding company" is a company set-up to "hold" real estate licenses for licensees no longer active in the real estate industry but who want to maintain an active license in order to accept referral fees.

For license law purposes, a licensee may affiliate with a properly licensed company. That company must meet all licensing requirements including having an active broker and a trust or special account as required by law. Although the intent of licensees placing their licenses with this type of company is to merely accept referral fees, the license is an active license which would permit that licensee to engage in all activities that require a real estate license. In addition, the licensee is still required to comply with license law.

## Rule Changes

The Real Estate Commission approved amendments to four real estate rules at its November, 2009, meeting. Upon conclusion of the Joint Commission on Agency Rule Revision (JCARR) process, the rules were filed with a February 2, 2010, effective date. The following are the amendments of interest:

### 1301:5-1-04 Applications:

- Language was added to allow the Division to charge a \$100 fee for initial license applicants whose checks are returned for any reason.

### 1301:5-1-05 Examinations:

- As of the effective date, the scaled score on the salesperson license examination was lowered to 70 percent. Sales applicants must achieve a scaled score of at least 70 percent on each portion of the examination in order to be considered as passing both portions. The passing score for the broker's exam remains the same. The broker license applicant must achieve a scaled score of at least 75 percent on each portion of the examination in order to be considered as passing both portions of the license examination.

### 1301:5-1-09 Fees by rule:

- The "cap" on total fees paid when multiple licensees are transferred to a different or new company was raised from \$2,000 to \$6,000.
- Fees were changed to comport with the budget bill or to cover processing costs. Please see the table below for a summary.

Fee Description	Prior Fee	Fee Effective February 2, 2010
Branch Office	\$8.00	\$15.00
Change Applications	\$20.00	\$25.00
Sales Transfer/ Reactivation	\$20.00	\$25.00
License Certification (Letter of good standing)	\$20.00	\$25.00

### 1301:5-1-19 License Reactivation:

- Language was amended for clarification and to indicate that the revocation notice is only sent for failure to renew (not discipline or failing to remit 10 hour post course).
- Language was also added that clarifies that the revocation notice is sent regular mail with a certificate of mailing.

## Reminder: Updated Fees

Effective October 16, 2009, the Division implemented updated fees as a result of passage of the state's budget bill, House Bill 1. The chart below depicts changes from the former fees collected to the fees collected since October 16, 2009, when H.B.1 went into effect.

	<b>Fees prior to 10/16/2009</b>	<b>New fees effective 10/16/2009</b>
RE Broker application (also applies to brokerage applications)	\$69.00 \$100.00	
RE Salesperson application	\$49.00	\$60.00
RE Broker renewal	\$147 (3 yr renewal)	\$180 (3 yr renewal)
RE Broker late renewal	\$245.50 (Late Renewal: \$147 + \$73.50 + \$25)	\$295 Late Renewal (\$180 + \$90 + \$25)
RE Salesperson renewal	\$117 (3 yr renewal)	\$135 (3 yr renewal)
RE Salesperson late renewal	\$195.50 (Late Renewal: \$117 + \$58.50 + \$20)	\$227.50 (Late Renewal: \$135 + \$67.50 + \$25)
Branch Office	\$8	\$15
RE Salesperson reactivation	\$20	\$25
Education & Research Assessment	\$4	\$1
Appraiser Assistant Registration	\$150 \$50 application \$100 recovery fund	\$150 \$100 application \$50 recovery fund
Appraiser License or Certificate Application	\$250 \$125 application (paid before taking exams) \$100 recovery fund (paid after passing exams) \$25 fed assessment (paid after passing exams)	\$250 \$175 application (paid before taking exams) \$50 recovery fund (paid after passing exams) \$25 fed assessment (paid after passing exams)
Appraiser Temporary Permit	\$100 \$50 application \$50 recovery fund	\$100 \$75 application \$25 recovery fund

**Please Note:**

- Any salesperson or broker who had an expiration date before and including October 15, 2009, but failed to pay their renewal fee on time will still pay the former renewal fee of, respectively, \$117.00 or \$147.00 plus the late renewal penalty fee of \$58.50 or \$73.50 and reactivation fee of \$25, totaling \$200.50 or \$245.50, even if they pay the fees AFTER October 16, 2009. In this case, the only fee that would change would be the reactivation fee for salespeople from \$20.00 to \$25.00, since the individual would be reactivating the license after October 16, 2009, when the new reactivation fee had already taken effect.
- Individuals who apply for an appraiser license or certificate are required to pay the updated \$75.00 fee after passing their exams and before their credential is printed, even if they submitted their application fee prior to October 16, 2009.

You can access all of the Division's forms at: [www.com.ohio.gov/real/forms.aspx](http://www.com.ohio.gov/real/forms.aspx)

## For Your Information: Renewal Notices and Submission

The Division of Real Estate and Professional Licensing sends renewal notices to the home addresses of licensed real estate salespeople and brokers 60 days prior to their expiration dates.

The renewal notice includes:

- The licensee's name and address;
- The licensee's file number (license number);
- The license type;
- The license status;
- The licensee's user ID and password, which is needed to use the eLicense Center;
- The renewal due date;
- The continuing education due date,
- The total amount due, and;
- The Renewal Application with Continuing Education Compliance Form.

There are three ways that licensees can submit their renewal fees and continuing education to the Division.

### Mail

Licensees may mail their completed Renewal Application with Education Compliance Form, continuing education certificates, and renewal fee to the Division **no sooner than 60 days prior to their expiration dates**. The Division only accepts checks or money orders for payments submitted via mail. The Division will consider all paperwork post-marked on or before the licensee's expiration date as being on time.

### Online

Licensees may submit their renewal fee online by visiting the Ohio eLicense Center at <http://www.com.ohio.gov/real/elicense.aspx> and entering their user ID and password, which is included in the renewal notice. At this time, licensees are not able to submit their continuing education requirements online. Licensees who pay their renewal fees online, therefore, must mail physical copies of their continuing education certificates and their completed Education Compliance Forms to the Division; the mailed-in documents must be post-marked on or before the licensee's expiration date to be considered on time. The Division accepts Visa and MasterCard for payments submitted online. Licensees may access the eLicense Center **no sooner than 60 days prior to their expiration dates**.

### In Person

Licensees may submit their completed Renewal Application with Continuing Education Compliance Form, continuing education certificates, and renewal fee to the Division in person **no sooner than 60 days prior to their expiration dates**. The Division accepts checks, money orders, Visa, or MasterCard in person.

If you have not received a renewal notice in the past, please contact the Division's customer service section at 614-466-4100 to verify that the correct address is on file.



## Did You Know?

### Services Available for Licensees on the Division's Website

Licensees can access the Division's website to find important information about their licenses, to maintain information related to their licenses, and to renew their licenses. Links to the License Information Lookup, the License Maintenance tool, and the License Renewal application are included below. They are also conveniently located on the Division's website under "Online Services."

**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!

**License Maintenance:** Licensees can use this tool to maintain their license information, including their home address.

**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 log in to this service within 60 days of 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.

## Message to All Licensees Regarding Address Changes

It is important that you notify the Division promptly when your address changes.

Ohio license law requires that licensed real estate brokers and salespeople notify the Superintendent in writing of a change in address – both personal and business – within a reasonable time. Licensees can submit license information changes to the Division using the Change Applications – Individual and Business - found in the Real Estate Broker and Salespersons Sections of the Division's Forms page.

Licensees may also submit their personal address changes to the Division via email at [webreal@com.state.oh.us](mailto:webreal@com.state.oh.us). If a broker fails to notify the Division of a business address change and then does not receive licenses for his or her salespeople, there would be grounds for a license law violation due to misconduct. For a full overview of this policy, please see ORC sections 4735.14 (D), 4735.13 (D), and 4735.18(A)(6).

Pursuant to ORC 4763.05 (G), all Ohio certified or licensed real estate appraisers or registered real estate appraiser assistants must notify the Superintendent of a change in their principal business or residence within 30 days of the change. Failure to do so is in violation of the Ohio Revised Code and may result in disciplinary action. For more information, see the Multiple Change Application found under the Appraiser Applications section of the Division's Forms page.

## License Law Issues and Property Listing Database Services

Pursuant to Ohio Administrative Code Section 1301:5-1-02, the term advertising or advertisement includes publication in a property listing database service. Not knowing that information included in those services is a form of advertising, licensees often make license law mistakes when utilizing property listing database services.

For example, licensees may enter information into the property listing database service that is misleading or inaccurate, such as the property's square footage or its water type. Is the square footage included in the property listing database service accurate? Does the property have city water or does it have septic water?

Another example of improper use of the property listing database service is when licensees change the list price of a home to a higher amount because there were seller concessions at closing. In this case, the licensee should not change the list price of the home after the sale to reflect a higher listing price when in fact only the selling price was increased to provide for seller concessions.

### Reminder: Real Estate Licensees Must Report Felonies to the Division

A reminder to all licensees that Ohio Revised Code 4735.13(C) requires a licensee to report a conviction of a felony or crime of moral turpitude to the Superintendent within fifteen (15) days of the conviction. Be aware that, under this statute, the Superintendent may immediately revoke the license of a licensee who fails to report these types of convictions.

If you comply with the reporting requirement, an investigation will be completed and, if charged with violating license law, you will be entitled to a formal hearing before the Division would take any discipline against your license. This same reporting requirement also applies to a conviction for "violating any federal, state, or municipal civil rights law pertaining to discrimination in housing." Contact the Division's real estate enforcement section at 614-466-4100 if you have any questions about the reporting requirements under this statute.

## Recent Court Decision

On December 3, 2009, the Tenth District Court of Appeals issued a decision concerning Revised Code (R.C.) 4735. Robbie A. Boggs, a real estate salesperson, was disciplined by the Ohio Real Estate Commission for three violations of fiduciary duties, for failing to provide a consumer guide, and for failing to provide a definite expiration date in the written agency relationship agreement. On appeal, Boggs alleged that the Commission lost jurisdiction over her disciplinary action because the investigation was not completed within the timeframes set forth in R.C. 4735.051 and the Commission failed to timely schedule and notify Boggs of the date of the 119 hearing. Boggs also contended that her activities were not a breach of fiduciary duties.

The Tenth District held that R.C. 4735.051 falls within the general rule construing a statute's timeframes as directory not mandatory. Therefore, because they are directory, the Commission did not lose jurisdiction for failing to act within the statutory time periods. The Court found that Boggs was on notice "that a licensee, in performing duties loyal to the client's interest, has a duty to disclose to the client material facts concerning a property under consideration when the licensee, 'in the exercise of reasonable skill and care,' either is aware or 'should be aware' of the information." In this case, Boggs was found to have known about prior sale information of the subject property, to have failed to disclose that material information to her clients, and to have, therefore, breached her fiduciary duty under R.C. 4735.62(A), (D), and (F).

## Attention:

### Registered Appraiser Assistants who registered with the Division after Oct. 16, 2009

Recent updates to the Ohio Administrative Code Section 4763.07 (A), effective 10/16/2009, changed the continuing education requirements for registered appraiser assistants.

A registered assistant's first renewal fee will be due one year from the registration issue date. **No continuing education is due on the first renewal expiration date.**

Beginning with the registered assistant's second annual renewal and every subsequent renewal thereafter, he/she will be required to submit 14 hours of approved continuing education courses.

With the registered assistant's third annual renewal, and once every two years thereafter, the Division must receive a seven hour National Uniform Standards of Professional Appraisal Practice (USPAP) course or its equivalent. (Seven of the 14 required hours of CE must be a USPAP course.) The 15-hour USPAP course will not satisfy the seven-hour USPAP course. A registrant may not take the USPAP course online.

For example:

**Registered Assistant's first issue date: Feb. 1, 2010**

Registered Assistant's first renewal due date: Feb. 1, 2011

Renewal fee: \$50

Continuing education due: **none**

Registered Assistant's second renewal due date: Feb. 1, 2012

Renewal fee: \$50

Continuing education due: 14 hours of general coursework

Registered Assistant's third renewal due date: Feb. 1, 2013

Renewal fee: \$50

Continuing education due: 7 hours of general coursework and 7 hours of USPAP

## Real Estate Disciplinary Actions

Listed below are the Real Estate Disciplinary Actions for July 2009 to December 2009. Details of each action can be found on the website at: <http://www.com.ohio.gov/documents/Winter10REdiscipline.pdf>

### REVOICATIONS/PERMANENT SURRENDER/RESIGNATIONS

Elizabeth A. Bevel	Broker	Shaker Heights
Betsy Byersmith	Salesperson	Sylvania
Sheila R. Champ	Salesperson	Dayton
Thomas J. Connors Jr.	Salesperson	Harrison
Nancy Farinacci	Salesperson	Aurora
Cynthia J. Lichtenauer	Salesperson	Lancaster
Jeffrey M. Lieberman	Broker	Columbus
John E. McGee	Salesperson	Englewood
Timothy E. Mehlman	Broker	Cincinnati
Robert J. Sharp	Broker	Bedford Heights
Valerie D. Shields	Salesperson	Cleveland
Edward Zamarelli	Broker	Warren
Zamarelli Real Estate Inc.	Corporation	Warren

### SUSPENSIONS, FINES, EDUCATION and REPRIMANDS

James W. Blake	Salesperson	Columbus
Mark A. Bradley	Salesperson	Dayton
Katrena K. Ebersole	Salesperson	Bryan
Carolena M. Fortner	Salesperson	Chillicothe
Thomas G. France	Salesperson	Strongsville
William Thomas Freiburger	Salesperson	Columbus
Antonio Giordano	Salesperson	Worthington
Yvonne Honeybrink	Salesperson	Worthington
Bradford L. Kitchen	Broker	Columbus
Louis T. Parker	Salesperson	West Chester
Robert J. Raglin	Broker	Reynoldsburg
Michael L. Smith	Salesperson	Columbus
Smythe, Cramers Co. DBA: Howard Hanna	Corporation	Seven Hills
Michael J. Tabor	Salesperson	Mentor
Kenneth J. Wortkoetter	Broker	Bryan
Stephen M. Yingling	Salesperson	Beachwood

### UNLICENSED ACTIVITY

Janine Aquino	Worthington
George Gregory Bertison	Heath
D&D Rentals	Mansfield
Earl Elliot	Southfield, Michigan
Estate Group of Ohio Ltd	Worthington
David Sharrock	Mansfield

## Appraiser Disciplinary Actions

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Listed below are the Appraiser Disciplinary Actions for September 2009 to December 2009. Details of each action can be found on the website at: <http://www.com.ohio.gov/documents/Winter10appraiserdiscipline.pdf>

### REVOCATIONS/PERMANENT SURRENDERS

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Mary Lynn English	Licensed Residential Appraiser	Tempe, Arizona
Donald Heffernan	Licensed Residential Appraiser	Worthington
James Roth	Certified Residential Appraiser	Hebron

### SUSPENSIONS, FINES, EDUCATION AND REPRIMANDS

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Marcus Drake	Licensed Residential Appraiser	Euclid
Kenneth Green	Licensed Residential Appraiser	Greenville
Riccardo Haynes	Certified Residential Appraiser	Medina
Mary Lane	Certified General Appraiser	Columbus
Connie Loukinas	Licensed Residential Appraiser	Washington Court House
Rayshawn Lowe	Certified General Appraiser	Cleveland
Michael Neimeier	Certified Residential Appraiser	Cleveland Heights
Mark Perks	Licensed Residential Appraiser	Upper Arlington
Kyle Shawger	Registered Appraiser Assistant	Liberty Township
Gregory Shehee	Licensed Residential Appraiser	Columbus
Scott Smith	Certified Residential Appraiser	Batavia
Julian Vanni	Certified General Appraiser	Mayfield Heights
Thomas Wanner	Certified Residential Appraiser	Strongsville

## Now Available:

### Division of Real Estate and Professional Licensing's Property Management Brochure

The Ohio Division of Real Estate and Professional Licensing has seen an increase in the number of complaints related to unlicensed property management activity throughout the past several months. In response, the Division created an informational pamphlet to educate individuals in the industry about property management and the legal requirements needed to conduct property management activities.

The Ohio Real Estate Commission may assess a civil penalty of up to \$1,000 per day per violation for unlicensed property management activity; therefore, it is very important that professionals within this field understand the legal requirements needed to conduct property management activities.

To obtain a copy of the Division's property management pamphlet, please visit our website at [http://www.com.ohio.gov/documents/real\\_PropertyManagement.pdf](http://www.com.ohio.gov/documents/real_PropertyManagement.pdf). The Division encourages you to share this important pamphlet with other professionals in the field.



## Department of Commerce

Division of Real Estate &  
Professional Licensing

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

**Commission Members**  
Shirley L. Davis, President  
Gary Froelich  
Terry Hankner  
Rosetta Hayes-Borders  
David C. Paul

**Appraiser Board Members**  
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