



**The Ohio
Department
of Commerce**

Summer 2000

Division of

Real Estate and Professional Licensing

◆ N E W S L E T T E R ◆

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GOVERNOR

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Procedures Set in Place for Staggered Renewals

Prorated License Renewal Fees For 2001

As previously indicated, beginning November 1, 2000, the Division will issue the first individual license renewals pursuant to our "staggered renewal" program. Effective January 1, 2001, all licensees will be renewing their licenses and submitting their education based on their birthday.

The chart below is intended to provide an advanced opportunity for all licensees to see how the prorated license renewal fee will be calculated under this type of renewal. The chart on page two provides pertinent information concerning the 10 hour post-licensure education and the continuing education conversion dates to be implemented under the "staggered license renewal" program.

We hope these charts will provide some answers to the questions in the minds of many of our licensees. The Division will continue to make every effort to ensure complete updated information is provided to our licensees regarding these items and our pending modernization legislation.

Your license will expire on your birthday in 2001.

If your birthday falls between:

The fees you need to pay for renewal are:

	<i>Broker</i>	<i>Sales</i>
January 1 and January 31, 2001	\$49	\$39
February 1 and February 28	\$53	\$42
March 1 and March 31	\$57	\$45
April 1 and April 30	\$61	\$48
May 1 and May 31	\$65	\$51
June 1 and June 30	\$69	\$54
July 1 and July 31	\$73	\$57
August 1 and August 31	\$77	\$60
September 1 and September 30	\$81	\$63
October 1 and October 31	\$85	\$66
November 1 and November 30	\$89	\$69
December 1 and December 31	\$93	\$72

The above chart reflects a monthly prorated fee amount of \$4.00 for brokers and \$3.00 for salespersons from their birthday back to January 1, 2001.

Ten Hour Post-Licensure Education Due Dates

SALES: Post-licensure education is due 12 months after date of issuance of license. The first continuing education is due three years after the first birthday following licensure. **BROKERS:** Post-licensure education is due 12 months after date of issuance of the broker's license. Continuing education is due per the schedule below. **NOTE:** All education dates will fall on the licensee's birthday every three years thereafter.

Continuing Education Conversion Dates For All Real Estate Licensees (One Time Only):

Continuing education which would have been due:

Now due:

January 31, 2001 through December 31, 2001

On licensee's birthdate in **2002** and every three years thereafter

January 31, 2002 through December 31, 2002

On licensee's birthdate in **2003** and every three years thereafter

January 31, 2003 through December 31, 2003

On licensee's birthdate in **2004** and every three years thereafter

For Those Licensees Who Have Already Completed And Reported Their Education Prior To The Activation Of These Changes:

Continuing education which would have been due:

Now due:

January 31, 2004 through December 31, 2004

On licensee's birthdate in **2005** and every three years thereafter

January 31, 2005 through December 31, 2005

On licensee's birthdate in **2006** and every three years thereafter

January 31, 2006 through December 31, 2006

On licensee's birthdate in **2007** and every three years thereafter

Cease and Desist Order Issued

Acting as a real estate agent without a real estate license violates Section 4735.99 of The Ohio Revised Code and is a first degree misdemeanor. Despite this prohibition, the division still finds evidence that unlicensed people and companies engage in activities requiring a license. Most often the Division issues Cease and Desist orders in these cases, but if offenders continue to engage in the unlicensed conduct, the Division may ask the appropriate local prosecutor to consider initiating criminal action.

Since the last newsletter, the following company has been issued a Cease and Desist order:

Brash Realty Co.

60 Revere Dr., Suite 575
Northbrook, IL 60062-1577

Licensees Responsible For Informing Division of Home Address

With the newly-instituted staggered license renewal system almost in place, it is imperative that the Division have licensees' current home addresses and phone numbers, so that renewal forms can be mailed to the correct location. This includes those former licensees who still have time to apply for the activation of their licenses.

Recently, the Division mailed requests to brokers asking them to report as many home addresses of agents as possible. The overwhelming response was prompt and the Division would like to thank

brokers for their cooperation. Each individual licensee will soon bear the responsibility of keeping address information current with the Division. Continued cooperation in providing home addresses for current and former licensees will be most appreciated.

At the Division's website, www.com.state.oh.us, licensees can find a home address change form. Licensees should remember to include his/her individual file number with any correspondence to the Division regarding licensure.

ATTENTION BROKERS!

If you have a branch office not receiving this newsletter, please notify Customer Service at (614) 466-4100

The Complaint Process Explained

While we all wish we could conduct business with no problems, complaints are filed against licensees. If such an event occurs, all parties should understand how the Division processes complaints.

First the complainant must send a written letter describing the problem to the Enforcement Section of the Division. This letter must identify the licensee(s) involved and include copies—not originals—of any documents specific to the complaint, such as a purchase agreement, agency documents, closing statement, and correspondence, as well as a telephone number where the complainant may be reached during regular business hours.

Upon receipt of the complaint letter, the Enforcement Section determines if the Division has jurisdiction over the matter. Jurisdiction is established if the complaint contains an allegation of a violation of the real estate license laws that

occurred within three years of the date we receive it. The allegations may be regarding the conduct of a real estate agent acting as an agent or handling his/her own property. It is possible further inquiry or research will be deemed necessary to establish jurisdiction or determine the involved real estate licensee.

Whenever a complaint is filed against a licensee, the Division notifies the licensee, in writing, of the existence of the complaint, gives him/her a copy of the complaint letter, and provides the name and direct phone number of the investigator assigned to investigate the complaint. In return, the Division expects full cooperation from the licensee, who should immediately provide a thorough response to the complaint, along with copies of the entire file relating to the transaction in question. If the licensee has legal counsel who needs to be kept apprised of the investigation, he/she must provide the Division contact information for the attorney.

The Enforcement Section undertakes a comprehensive investigation of cases that come under review. Investigators make sure that all relevant documents are obtained and that all necessary questions are answered. They will interview the complainant, licensee, and any other appropriate witnesses. When the investigation is complete, they prepare a confidential analysis for the Superintendent.

The case then proceeds to the legal review process. Based on the investigative analysis, an Enforcement attorney prepares a legal summary. The Deputy Superintendent next reviews the matter in conjunction with the case file to further evaluate the evidence.

Finally, the Superintendent reviews the case. If the Superintendent determines that there is adequate evidence to show that a licensee has violated real estate license law, the case may proceed to a hearing. If, on the other hand, the Superintendent finds that there is not adequate evidence to proceed with the matter, the file will be closed either with no formal disciplinary action taken or with an advisory letter being issued. The complainant can request that the Ohio

Real Estate Commission review the Superintendent's decision to close an investigation. The complainant and licensee will receive written notification of the Superintendent's determination.

For more detailed information about complaint procedures, the Division offers a printed "Complaint Procedures Brochure." The Division's website at www.com.state.oh.us also contains an article titled, "How to File a Complaint Against a Real Estate Licensee" in its Publications and Bulletins section.

Legal Advice Must Come From Personal Legal Counsel

Every day the Division receives numerous phone calls from licensees seeking legal advice or wanting to talk to a Division lawyer. Callers should be aware that the Division may only comment on Ohio real estate licensing laws and regulations that are enforced by the Division.

While the Division employs three attorneys, they are busy and their time with callers is limited. However, the Enforcement Section of the Division has investigators who can answer questions about how particular licensing laws operate. Additionally, the investigators can evaluate whether or not the call should be referred to a Division attorney or to another agency.

When a licensee needs personal legal advice, such as contract interpretations or determining grounds for suing a party to a contract, he or she should contact an attorney outside of the Division.

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**ATTENTION
BROKERS!**

***Are you forwarding
copies of this
newsletter to your
salespeople?***

Disclosure of Felony Convictions Imperative

A criminal background is a black mark hard to see past and may leave the reformed felon feeling a career in real estate is beyond his or her reach. However, it is possible to secure and maintain a real estate license with a felony conviction.

Division license forms and applications ask four questions which must be answered honestly and completely. They are:

1. Are there any unsatisfied judgments against you?
2. Have you ever been convicted of any unlawful conduct (excluding minor traffic violations)?
3. Have you ever had a license of any kind refused, revoked, or suspended?
4. Have any complaints ever been filed against you with the Ohio Real Estate Commission?

Answering “yes” to any of these questions does not automatically exclude an applicant from obtaining or maintaining a license.

A convicted felon wishing to become a licensed real estate agent may submit a letter requesting a preliminary review of whether he or she will be allowed to be seated for the real estate sales examination. The letter should contain a complete explanation of the nature of the conviction and be accompanied by a certified judgment entry from the court in which the person was convicted, along with any other pertinent information or letters of recommendation.

When the Division receives a request for review, staff personnel look at all the materials submitted and make a recommendation to the Superintendent. The Superintendent then determines whether the potential applicant will be allowed to take the exam. If the Superintendent denies the request, the potential applicant will be told how to request a review of the Superintendent’s decision by the Real Estate Commission.

If a current licensee is convicted of a felony, a crime involving moral turpitude, or for violating any federal, state, or municipal civil rights law pertaining to discrimination in housing, the licensee must report it to the Superintendent within 15 days from the date of conviction. Failure to report in a timely fashion may result in the revocation of the real estate license.

When a conviction is reported, the Superintendent conducts an investigation of the situation. Once all information has been obtained, the Superintendent will determine whether or not an administrative hearing is appropriate. The licensee will receive written notification of the Superintendent’s determination.

The Division stresses that applicants must answer the above four questions truthfully and completely as the Superintendent is required by statute to obtain this information before a license can be issued or allowed to remain valid. Questions regarding felony convictions should be directed to the Division’s testing or licensing personnel.

“For Sale By Owner” Packages Considered

Apparently licensees and members of the public alike suspect “For Sale By Owner” programs aren’t quite what they seem. The Division has been receiving an increased number of inquiries involving unlicensed people or entities offering such programs.

Since those who provide “For Sale By Owner” programs are most often not licensed, the Division is limited to examining whether the programs furnish services which require a real estate license. If the parties offering the program receive no compensation for and have no direct part in bringing the buyer and seller together, chances are they do not need a real estate license.

Upon further research, the Division frequently finds that the “For Sale By Owner” programs consist of a package of marketing tools, such as a professional-looking yard sign, “standardized” forms or sample contracts, or a posting on a website that gives contact information about the owner. Providing such materials does not require a real estate license.

However, there are times when a “For Sale By Owner” program oversteps these bounds. For instance, a party may charge to list the owner’s property on a “For Sale By Owner” website, then, for an additional fee, offer to screen all the calls about the property for the best potential buyers. Since this party is expecting to receive a fee for bringing a buyer and seller together, the activity requires a license and the party may be issued a Cease and Desist order.

Frequently Asked Testing Questions

Q: How do I make payment for the real estate exams?

A: You will need to make two separate payments. One payment, the application fee, should be sent directly to the Division with your application. The application fee for the sales exam is \$49, while the brokers exam application fee is \$69. Later, when the testing entity contacts you, it will inform you how to pay the \$49 testing fee, which is the same for the sales and brokers examinations. Remember, two payments are necessary: one to the Division at the time of application and one to the testing entity with the exam scheduling.

Q: What name should I use to apply for my real estate license?

A: Make sure the name on your application is your legal name and exactly the same as on your government-issued identification such as your driver’s license or passport. If the name on the application does not match the name on the picture identification you give at the testing site, you will not be allowed to sit for the exam. You may not take the exam, for instance, if you have applied under a nickname but your driver’s license shows your given name. Also check that the spelling of your name is correct on your application. Even a typographical error in

the name on the application will prevent you from taking the exam.

Q: When is my real estate license valid?

A: Your license is valid when the Division issues it, not at the time of passing the exam. The testing entity must send your exam information first to Baltimore, and then to Salt Lake City, before it arrives in Columbus. After the Division receives the exam results, it will normally issue the license within three working days. It may take up to ten days in total after the exam for you to become licensed. Always remember that you may not engage in activity requiring a real estate license until your license is issued by the Division.

USPAP Q&A

Question:

The property I am appraising is land without improvements, to be valued “as is” without foreseeable change in zoning or use. Does Standards Rule 1-4(b)(i) mean that I must complete a cost approach to develop my market value opinion?

Answer:

In the assignment you describe, the land is the “subject” of the appraisal. Since there are no improvements and testing the economic feasibility of a change in use is not part of the appraisal problem, a cost approach is not relevant in this assignment. The methods and techniques that are applicable in solving the appraisal problem will depend on the purpose and intended use of the appraisal, and on the characteristics of the property.

As required by Standards Rule 1-1(a), an appraiser must be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal.

An appraiser’s decision about which methods and techniques are necessary to solve the appraisal problem is

largely shaped by the information gathered in response to Standards Rule 1-1(e), which requires an appraiser to “identify the characteristics of the property that are relevant to the purpose and intended use of the appraisal...”

In an appraisal where market value is the purpose, Standards Rule 1-3 requires an appraiser to identify and analyze the effect on use and value of existing land use regulations, reasonably probable modifications of such land use regulations, economic demand, the physical adaptability of the real estate and market area trends, and develop an opinion of the highest and best use of the real estate.

Having completed the actions required by Standards Rule 1-2 and, when applicable, Standards Rule 1-3, an appraiser can reasonably determine which methods and techniques are applicable in solving the appraisal problem. While there are exceptions, land without improvements is often appraised by use of a sales comparison approach or an income approach, or both.

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House Bill 338 Signed into Law

House Bill 338, which deals with pre-license education requirements for appraisers, will become law on June 8, 2000.

The new law states that all applicants for any type of appraisal licensure or certification must complete a course in federal, state, and municipal fair housing law. Although HB 338 does not contain specific language describing the length of the necessary course, the Division intends to allow applicants to fulfill the new law’s requirement by completing the three-hour course in fair housing law that real estate agents take as part of their continuing education.

ATTENTION BROKERS!

Are you forwarding copies of this newsletter to your salespeople?

Appraiser Disciplinary Actions

NINA J. VIRGIN had her residential real estate appraisers license revoked for violating Ohio Revised Code Section 4763.11 (G) (5) & (6) and seven counts of Section 4763.11 (G) as it incorporates USPAP Rules 1-1 (b) & (c), 2-1 (a) & (b) and 2-2. In developing a real estate appraisal, Ms. Virgin failed to adequately supervise the activities of an assistant; used non-existent comparable sales; used incorrect and misleading information; and prepared an incorrect and misleading certification statement.

TONY L. WILLIS had his general real estate appraiser certification suspended for sixty (60) days for violating Ohio

Revised Code Section 4763.11 (G) (5) & (6) and (7) as it incorporates USPAP Rules. In developing a real estate appraisal, Mr. Willis failed to disclose in the report the material contribution of an adjoining parcel and utilized inappropriate comparable sales in his sales comparison analysis.

DAN R. SINGER had his general real estate appraiser certification suspended for ninety (90) days for violating Ohio Revised Code Section 4763.11 (G) (5) and (7) as it incorporates USPAP Rule 2-1 (a) & (b). In developing a real estate appraisal, Mr. Singer produced an appraisal report that failed to clearly

explain that the value estimate was based on prospective future value that was contingent upon completion of improvements.

ANDREW SOCHA, a state certified residential real estate appraiser, was issued a formal reprimand for having violated Ohio Revised Code Section 4763.11 (G) (5) & (6) and (7) as it incorporates USPAP Rules 1-5 (b) and 2-2 (xi). In developing a real estate appraisal, Mr. Socha failed to note the USPAP departures taken in a “limited” appraisal report and failed to consider and report a prior sale of the subject property.

Disciplinary Actions

REVOCATIONS

MICHAEL A. LINDAHL, sales associate, Westerville, Ohio, had his sales license revoked for violating Section 4735.18(A) of the Ohio Revised Code. Mr. Lindahl was convicted of making false bank entries. He defrauded the bank at which he was an officer by falsifying certain loan applications taken for his own personal benefit in managing the financial affairs of his mother.

SUSPENSIONS, FINES, EDUCATION

JANET E. BIBRO, sales associate, Cleveland, Ohio, was required to submit proof of completion of the ten (10) hour sales post-licensure course for violating Section 4735.18(A)(28) of the Ohio Revised Code. In connection with a property Ms. Bibro had listed, she prepared an agency agreement that did not contain a definite expiration date.

KAREN I. KINSINGER, sales associate, Columbus, Ohio, had a \$250.00 fine levied against her license, and was required to complete and to submit proof of completion of the ten (10) hour sales post-licensure course for violating Section 4735.18(A)(28) of Ohio Revised Code. Ms. Kinsinger entered into a written agency agreement that did not contain a definite expiration date.

SAXTON REAL ESTATE CO., corporation, Grove City, Ohio, had a \$500.00 fine levied against the corporate license for violating Section 4735.18(A)(6) of the Ohio Revised Code. The corporation entered into a buyer broker agency agreement that did not contain the specific fair housing language required by Section 4735.55 of the Ohio Revised Code.

SAMUEL DELAQUILA, SR., broker, Warren, Ohio, had a \$500.00 fine levied against his license for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Delaquila entered into a written agency agreement that did not contain the specific fair housing language required by Section 4735.55 of the Ohio Revised Code.

SKIP MACKLEM, sales associate, Warren, Ohio, had a fifteen (15) day suspension of his license which commenced on February 8, 2000, a \$500.00 fine levied against his license, and was required to complete and to submit proof of completion of the ten (10) hour sales post-licensure course for violating Ohio Revised Code Section 4735.18(A)(6). Mr. Macklem listed a property for sale, but prior to marketing the property, he failed to prepare and submit to the sellers an Ohio agency disclosure form. In addition, Mr. Macklem prepared an offer on the property, but failed to prepare and submit an Ohio agency disclosure form to the buyer and seller.

ANDREW J. WERTZ, broker, Dayton, Ohio, had a ninety (90) day suspension of his license which commenced on February 8, 2000, a \$1,500.00 fine levied against his license, and was required to complete and to submit proof of completion of the ten (10) hour brokerage post-licensure course for violating Ohio Revised Code Sections 4735.18(A)(6) and (A)(26). Mr. Wertz failed to deposit and maintain, in a real estate property management trust account, deposits received from tenants. He also failed to maintain a separate and distinct real estate property management trust account. Also, security deposit funds were improperly used for repair expenses and he engaged in such conduct without the knowledge or consent of the tenants or the landlords. Finally, he engaged in property management activities in a name other than the name in which he was licensed.

DAVID C. FEINBERG, sales associate, Cleveland, Ohio, had a twenty (20) day suspension of his license which commenced on February 8, 2000, a \$750.00 fine levied against his license, and was required to complete and to submit proof of completion of the ten (10) hour sales post-licensure course for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Feinberg prepared an offer

on behalf of a purchaser for the purchase of property; however, he failed to prepare and submit to the parties an Ohio agency disclosure form.

DENNIS C. EBERHART, broker, Kent, Ohio, had a fifteen (15) day suspension of his license which commenced on February 8, 2000, a \$500.00 fine levied against his license, and was required to complete and to submit proof of completion of the ten (10) hour brokerage post-licensure course for violating two counts of Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Eberhart listed property for sale through his brokerage, and in the listing contract promised the seller, his client, that he would file the property with a multiple listing service; however, he failed to do this. His failure constituted a breach of an agency duty to his client. He then marketed the property for sale with a company, but failed to provide the company with an Ohio agency disclosure statement noting whom he would be representing in the transaction.

JEFFREY M. KOEHLER, broker, Zanesville, Ohio, had a \$500.00 fine levied against his license, and was required to complete and to submit proof of completion of the ten (10) hour brokerage post-licensure course for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Koehler attempted to sell a property by way of auction; however, prior to marketing the property, he failed to prepare and to submit to the seller an Ohio agency disclosure statement indicating whom he was representing.

H. E. R., INC., corporation, Columbus, Ohio, had a \$1,000.00 fine levied against the corporate license for violating Sections 4735.18(A)(6) and (A)(21) of the Ohio Revised Code. The company caused to be published advertisements which represented that a property would be sold by way of absolute auction. However, the possibility existed that the property might not be sold to the highest bidder regardless of price. The

advertising was misleading, inaccurate and misrepresented the terms.

KIM R. POLAK, sales associate, Parma, Ohio, had a \$300.00 fine levied against her license and was required to complete and to submit proof of completion of a three hour course on agency law for violating Section 4735.18(A)(6) of the Ohio Revised Code. Ms. Polak prepared and submitted an offer for the purchase of property; however, she failed to prepare and complete the Ohio agency disclosure form.

BAGINSKI AMERICAN REALTY & INVEST., association, Parma, Ohio, had a \$500.00 fine levied against the association license for violating Section 4735.18(A)(6) of Ohio Revised Code. The association entered into written agency agreements for nine properties that did not contain the specific fair housing language required by Section 4735.55 of the Ohio Revised Code.

BOYD D. HELTON, sales associate, Dayton, Ohio, had \$800.00 in fines levied against his license and was required to complete and to submit proof of completion of the ten (10) hour sales post-licensure course for violating two counts of Section 4735.18(A)(6) of Ohio Revised Code. Mr. Helton permitted and granted a prospective purchaser entry to a property, unaccompanied by a representative from his brokerage. He also failed to complete the in-house transaction portion of an agency disclosure form, showing that he and a fellow agent of the same brokerage each separately represented the buyer and the seller.

MICHELE M. BOONE, sales associate, Cincinnati, Ohio, had a fifteen (15) day suspension of her license which will commence upon reinstatement, a \$500.00 fine levied against her license, and was required to complete and to submit proof of completion of the ten (10) hour sales post-licensure course for violating Section 4735.18(A)(6) of the Ohio Revised Code. Ms. Boone agreed to assist sellers of a property with the filing of a lien on the property. The lien was to be filed in connection with an arrangement the sellers had

with the purchasers involving the sellers paying money to the purchasers for roof repairs. Ms. Boone failed to promptly fulfill the responsibility she undertook to her clients, the sellers, insofar as she neglected to have the lien filed.

LOWELL D. CHAMBERS, broker, Hillsboro, Ohio, had a \$300.00 fine levied against his license and was required to complete and to submit proof of completion of a three hour course on agency, for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Chambers entered in to an agreement to sell property by way of auction. Thereafter, the auction was conducted and in connection with the auction, two separate written offers were prepared with each covering different parcels. He submitted these documents to the seller; however, he failed to prepare and to complete an Ohio agency disclosure form as required by Ohio Revised Code Sections 4735.58(A)(B) and (D).

RICK A. WILLIAMS, broker, Hillsboro, Ohio, had \$500.00 in fines levied against his license and was required to complete and to submit proof of completion of the ten (10) hour brokerage post-licensure course for violating two counts of Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Williams entered into a written agency agreement that did not contain the specific fair housing language required by Section 4735.55 of the Ohio Revised Code. Additionally, he submitted an offer, but failed to have his client, the seller, check the appropriate box to accept, reject or counter the offer; thereby, permitting potential ambiguity and confusion regarding the terms of sale.

JACK K. GANT, broker, Wooster, Ohio, had a \$300.00 fine levied against his license and was required to complete and to submit proof of completion of a three hour course on agency, for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Gant entered into a written agency agreement, but prior to marketing the property, he failed to prepare and to submit an Ohio agency disclosure form as required by

Ohio Revised Code Section 4735.58(B). Furthermore, he failed to prepare and to submit to the purchaser an agency disclosure form in connection with the offer to purchase.

KIMBERLY A. BITTNER, sales associate, Mentor, Ohio, had a \$500.00 fine levied against her license and was required to complete and to submit proof of completion of a three hour core law course for violating Sections 4735.18(A)(6) and (A)(20) of the Ohio Revised Code. Ms. Bittner offered property for sale without the consent of the owner or the consent of the owner's authorized agent.

BEVEL, BEVEL & ASSOC., INC., corporation, Cleveland Heights, Ohio, had a \$500.00 fine levied against the corporate license for violating Section 4735.18(A)(6) of the Ohio Revised Code. The corporation entered into a written agency agreement that did not contain the specific fair housing language required by Section 4735.55 of the Ohio Revised Code.

DIEDRE J. KRIER, broker, Thornville, Ohio, had a \$300.00 fine levied against her license and was required to complete and to submit proof of completion of a three hour civil rights course for violating Section 4735.18(A)(6) of the Ohio Revised Code. The listing agreement for property listed with Ms. Krier's brokerage did not contain the specific fair housing language required by Section 4735.55 of the Ohio Revised Code.

KATHLEEN M. HAGGINS, sales associate, Cleveland Heights, Ohio, had a \$500.00 fine levied against her license, and was required to complete and to submit proof of completion of a three hour civil rights course for violating Section 4735.18(A)(6) of the Ohio Revised Code. Ms. Haggins entered into a written agency agreement (listing) that did not contain the specific fair housing language required by Section 4735.55 of the Ohio Revised Code.

ISAAC HAGGINS, SR., broker, Cleveland Heights, Ohio, had a \$500.00 fine levied against his license and was required to complete and to submit proof of completion of a three

hour civil rights course for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Haggins entered into a written agency agreement (listing) that did not contain the specific fair housing language required by Section 4735.55 of the Ohio Revised Code.

DORIS L. COOPER, sales associate, Worthington, Ohio, had a \$500.00 fine levied against her license and was required to complete and to submit proof of completion of a three hour course on agency for violating Section 4735.18(A)(6) of the Ohio Revised Code. Ms. Cooper prepared an offer on behalf of purchasers to purchase property, and in connection with this offer, she completed an agency disclosure form noting that she would be representing the purchasers, as a buyer's agent. The property was listed by another agent within the same brokerage, creating an in-company transaction. Ms. Cooper failed to complete the in-company portion of the agency disclosure form.

BRUCE E. GUILFORD, broker, Hicksville, Ohio, had a \$700.00 fine levied against his license and was required to complete and to submit

proof of completion of the ten (10) hour brokerage post-licensure course for violating Sections 4735.18(A)(6) and (A)(21) of the Ohio Revised Code. Mr. Guilford, throughout January and February of 1999, caused to be published various advertisements through his website for four properties. These advertisements contained either inaccurate or misleading information, insofar as the properties were either no longer on the market or were listed with another real estate brokerage. Mr. Guilford failed to use due diligence in updating the listings on his website.

ROBERT JOSEPH, broker, Hebron, Ohio, had a thirty (30) day suspension of his license which commenced on March 14, 2000, a \$1,000.00 fine levied against his license, and was required to complete and to submit proof of completion of the ten (10) hour brokerage post-licensure course for violating Section 4735.18(A)(6) of the Ohio Revised Code. Mr. Joseph entered into an agreement to purchase property, which called for Mr. Joseph to make an earnest money deposit at the time of acceptance. However, Mr. Joseph did

not deposit the funds into his trust account until approximately three months later. He failed to timely deposit the earnest money into the trust account.

TIMOTHY E. LEWIS, sales associate, Middletown, Ohio, had a \$200.00 fine levied against his license and was required to complete and to submit proof of completion of a three hour agency course for violating Sections 4735.18(A)(6) and (A)(24) of the Ohio Revised Code. Mr. Lewis failed to maintain a copy of an agency disclosure form that needed to be prepared and submitted to the purchasers. He failed to maintain copies of all documents in connection with a real estate transaction.

C. P. R. REALTY CO., INC., corporation, Columbus, Ohio, had \$2,000.00 in fines levied against the corporate license for violating two counts each of Ohio Revised Code Sections 4735.18(A)(6) and (A)(35). The company allowed someone to hold him/herself out as a real estate agent associated with the brokerage on two instances, when the individual was not.



**The Ohio
Department
of Commerce**

State of Ohio
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Division of Real Estate and Professional Licensing
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