



DIVISION OF REAL ESTATE NEWSLETTER

January/February 1987

RICHARD F. CELESTE
GOVERNOR, STATE OF OHIO

KENNETH R. COX
DIRECTOR OF COMMERCE

MARGARET J. RITENOUR
SUPERINTENDENT OF REAL ESTATE

Superintendent's Column

Two Continuing Education Programs Formed

By Margaret J. Ritenour, Superintendent

In 1985, a committee was formed to advise the Ohio Real Estate Commission on proposed uses of the Education and Research Fund. At that time the goals of the Fund were expanded to balance academic contributions with programs that more directly benefit real estate practitioners.

The Division of Real Estate is pleased to announce two grants made by the Ohio Real Estate Commission from the Education and Research Fund for projects that are designed to directly benefit Ohio's licensees. Both of these programs are in the continuing education area.

The first program is a survey of 1,600 randomly selected licensees in Ohio designed to assess their level of satisfaction with the existing continuing education courses and requirements. The second program involves the purchase of a three-hour civil rights course. This course will be made available to colleges and universities to enable real estate licensees to fulfill the civil rights portion of their continuing education requirements.

CONTINUING EDUCATION SURVEY

This survey will be conducted by the University of Akron. The questionnaire, which was recently mailed, asks real estate professionals to evaluate Ohio's continuing education program. The survey covers topics such as the value of the courses, the quality of instructors, and the availability of courses.

The results of this survey will serve as a valuable aid in helping the Division assess the continuing education framework already in place. We believe it will be beneficial in determining what changes, if any, are necessary to assure that quality continuing education courses in areas of interest to licensees are approved and available.

With these goals in mind, I strongly encourage every licensee who receives a survey to take a few minutes to complete it and return it to the University of Akron. Since the questionnaire is not labeled in any manner, there is no reason to be concerned about the anonymity or confidentiality of responses.

CIVIL RIGHTS COURSE

In 1985, Ohio's real estate continuing education laws were amended to require real estate licensees to take a separate three-hour course devoted exclusively to the issues of civil rights, fair housing and desegregation. This amendment was passed by the Ohio Real Estate Commission because of its commitment to fair housing in Ohio and in recognition of the need for instruction in this area.

To assure that a quality course is available for licensees so they can comply with this new requirement, the Real Estate Commission will be purchasing several copies of an excellent film and course instruction manual on this topic. The course is entitled "Brokers, Buyers and Bias".

This course packet, including the film, has been offered to colleges, universities and degree granting schools at no charge. Receipt is conditioned upon the school's agreement to several contingencies. Included among these is the school's agreement to offer the course at least twice a year for real estate continuing education. The course instructor must also attend a one-day training seminar to be held at the Division of Real Estate in March.

It is our hope that the continuing education survey and the civil rights film will be well received by the Ohio real estate industry. Each of you can be assured that the Real Estate Commission and the Division of Real Estate will continue to develop education and research projects that are designed to benefit all licensees and improve our service to them.

Attention!!!

PLEASE SHARE THIS NEWSLETTER WITH ALL
OF YOUR SALES ASSOCIATES. FEEL FREE TO
MAKE COPIES.

(THIS IS MAILED TO BROKERS AND BRANCH OFFICES ONLY)

When Is A Foreign Real Estate License Required?

The Division of Real Estate has received several inquiries recently from brokers and salespeople regarding foreign real estate licensing. Many of the questions concern the issue of when a foreign real estate license is required. This article answers some of the most commonly asked questions concerning foreign real estate licensing.

Ohio Revised Code Section 4735.01(G) defines foreign real estate as real estate, or any interest in real estate, not situated in Ohio. This includes lots, condominiums and timeshare interests.

Interests in foreign real estate may be solicited or sold in this state only by persons licensed as a foreign real estate dealer or salesperson. Any solicitation of foreign real estate interests in Ohio, whether by direct mail, television, telephone or other methods, must be conducted by a foreign real estate licensee. For example, a newspaper advertisement in Ohio of a timeshare development in Florida must be conducted by a foreign real estate licensee.

Foreign real estate dealer and sales application forms may be obtained from the Division. The dealer application fee is \$225 and the sales application fee is \$100. An applicant for a foreign real estate sales license must be sponsored by a licensed dealer. Dealer and sales applicants are required to take an examination which is given at the Division. If the applicant has been an active broker in good standing for at least the past two years, the ex-

amination requirement is waived. Foreign real estate licenses are terminated at the end of each year and may be renewed upon the filing of an application for renewal and payment of the required fees.

A foreign real estate license permits an individual to solicit or sell only foreign real estate that has been registered with the Division. Ohio Revised Code Section 4735.25(B) provides a list of the information required to be submitted to the Division in order to register the foreign real estate.

Ohio Revised Code Section 4735.25(A)(1) provides an exception to the licensing and registration requirements for owners selling on their own account in a single transaction and not by way of repeated or successive transactions. Therefore, the owner of a single condominium unit in Florida may advertise the condominium unit in Ohio without registering the real estate with the Division and without being licensed as a foreign real estate salesperson. However, the owner of an out-of-state condominium *development* who wants to sell *several units* would have to register the real estate and be licensed as a foreign real estate licensee in order to advertise or sell the project in Ohio.

If you would like a dealer or sales application form or if you have questions concerning the need for obtaining a foreign real estate license, please contact our Foreign Real Estate Section.

Three New Pamphlets Available From Division

Three new pamphlets are now available from the Division that are designed to assist Ohio's real estate licensees and consumers. They are:

—How To Become a Real Estate Broker in Ohio.

This pamphlet discusses the educational and experience requirements to be seated for the broker's examination, as well as application and testing procedures. It also explains special arrangements for the handicapped and reciprocity with other states.

—Questions & Answers on Real Estate Education.

This pamphlet explains the differences between pre-licensing education, post-licensing education and continuing education. It details where these courses must be taken, when they are required, how they must be reported and how to reinstate your license if it is suspended for failure to complete your education.

—Division of Real Estate Complaint Procedures.

This pamphlet explains how to file a complaint with the Division of Real Estate, the types of complaints over which the Division has jurisdiction, and the investigation procedures that are followed. It also discusses the hearing process in the event formal charges are brought against a licensee. This pamphlet is not only intended for the consumer but is also designed to be sent to all licensees when a complaint is filed against them to inform them of the steps that will be followed by the Division.

Each of these pamphlets is available at no charge. However, anyone requesting over 50 copies of a particular brochure will be charged 5¢ per pamphlet.

To receive any of these publications, write to The Division of Real Estate, Two Nationwide Plaza, Columbus, Ohio 43266-0547 or call (614) 466-4100 or 1-800-344-4100. Payment must be received in advance and should be made payable to the Ohio Division of Real Estate.

STATE OF OHIO
DIVISION OF REAL ESTATE
DEPARTMENT OF COMMERCE
TWO NATIONWIDE PLAZA, COLUMBUS, OHIO
43266-0547
614/466-4100
800/344-4100

RICHARD F. CELESTE, Governor, State of Ohio
KENNETH R. COX, Director
MARGARET J. RITENOUR, Superintendent

The Ohio Real Estate Commission

ARTHUR C. CHURCH, President
PAUL J. EVERSON
EDWARD J. KIZER
SELMER E. PREWITT
SANDRA J. TAYLOR

Disciplinary Actions

The purpose of this article is to disseminate to licensees information concerning recent Commission activities and decisions pursuant to Section 4735.03(E) of the Ohio Revised Code.

The Commission has taken the following action with regard to these real estate licensees:

REVOCATIONS

CLIFFORD W. DAVIS, broker, Columbus, Ohio, had his broker's license revoked for violating four counts of Section 4735.18(F) and one count of (I) of the Ohio Revised Code. Revocation became effective August 29, 1986. Davis failed to disclose on a land contract that there was a mortgage on the property. He also failed to provide the purchasers with a copy of the land contract and to record the land contract. On another property, Davis collected rental monies from the occupants and failed to apply them to the mortgage payments. Finally, Davis failed to honor a subpoena from the Superintendent of the Ohio Division of Real Estate ordering him to provide statements and documents in connection with the sale of the two properties to the Division.

JOEL P. SENS, sales associate, Arlington, Virginia, had his sales license revoked for violating Section 4735.18(A), (E) and (F) of the Ohio Revised Code. This revocation became effective August 29, 1986. Sens signed the names of the purchasers to a purchase contract without their knowledge or consent. Sens also cashed a check for the downpayment on the property, retained the money for himself, and failed to remit it to the party(s) to whom it rightfully belonged within a reasonable time. Sens prepared and signed a promissory note from the buyers to the sellers without their knowledge or consent.

SUSPENSIONS

DEWEY BAYLIS, broker, Fremont, Ohio, had his broker's license suspended for 30 days for violating Section 4735.18(F) of the Ohio Revised Code. However, the Real Estate Commission ordered that this 30 day suspension be waived as Baylis made restitution. Baylis withdrew the purchaser's earnest money deposit from his trust account and disbursed it on terms other than those provided for in the purchase contract. Baylis did this without the knowledge and/or consent of the buyers.

DAN A. BELLINO, broker, Middletown, Ohio, had his broker's license suspended for 180 days for violating Section 4735.18(F) and (H) of the Ohio Revised Code. This suspension commenced October 27, 1986. Bellino falsely stated on an application for reinstatement of his license that there were no unsatisfied judgments against him as a real estate broker. His statement was not correct as there was an unsatisfied judgment against him in Common Pleas Court.

DAVID R. HATCHER, broker, Columbus, Ohio, had his broker's license suspended for 180 days for violating 4735.16(B) and 4735.18(F), (U) and (I) as it incorporates Ohio Administrative Code Section 1301:5-1-02. Upon a motion for reconsideration, imposition of this suspension was suspended by the Commission. Hatcher advertised in a name other than that which appeared on his license, and after permission to use that name had been denied by the Superintendent.

SYNTHIA R. JACKSON, sales associate, Centerville, Ohio, had her sales license suspended for 60 days for violating Section 4735.18(F) of the Ohio Revised Code. This suspension commenced December 1, 1986. Jackson co-listed a property owned by the complainant. She subsequently entered into a contract to purchase the property. Although she assumed occupancy of the property, she failed within a reasonable time to cause a closing on her purchase of the property and to keep the seller informed of the status of the transaction.

(continued on page 4)

TEST RESULTS

In an effort to keep you apprised of the number of new licensees joining the real estate profession, below are the testing statistics compiled for the second half of 1986:

TEST DATE:	BROKERS		
	TOTAL TESTED:	TOTAL PASSED:	PASS RATE:
July, 1986	23	21	91%
August, 1986	23	23	100%
September, 1986	24	23	96%
October, 1986	26	25	96%
November, 1986*	55	50	91%

TEST DATE:	SALESPERSONS		
	TOTAL TESTED:	TOTAL PASSED:	PASS RATE:
July, 1986*	1053	754	72%
August, 1986*	965	671	70%
September, 1986*	962	667	69%
October, 1986	699	482	69%
November, 1986	710	507	71%
December, 1986*	433	293	68%

*NOTE: Additional examinations were given in these months due to the increased number of applicants.

FOREIGN REAL ESTATE SALESPERSONS

July, 1986	22	12	55%
August, 1986	45	17	38%
September, 1986	46	22	48%
October, 1986	27	18	67%
November, 1986	38	25	66%

Disciplinary Actions (continued from page 3)

GEORGE A. MCCONNELL, broker, Groveport, Ohio, had his broker's license suspended for 60 days for violating Section 4735.18(F) of the Ohio Revised Code. Upon a motion for reconsideration, the Ohio Real Estate Commission ordered that imposition of 30 days of this suspension be waived. McConnell began serving the 30 day balance of this suspension on October 27, 1986. McConnell failed to reduce to writing his agreement to assume the land contract held by the sellers of a property when he knew or should have known that the land contract specifically required the consent of the land contract vendor to any assignment of that land contract.

THOMAS J. MELODY, sales associate, Norton, Ohio, had his sales license suspended for 90 days for violating Section 4735.18(F) and (I) as it incorporates Section 4735.21 of the Ohio Revised Code. This suspension shall commence upon reinstatement of his license. Melody collected funds in connection with the management of three properties, in a name other than that of his broker and without the consent of his broker.

FRANKLIN PORATH, broker, Cleveland Heights, Ohio, had his broker's license suspended for 30 days for violating Section 4735.18(F) of the Ohio Revised Code. However, due to mitigating circumstances, imposition of this suspension was suspended by the Ohio Real Estate Commission. Porath allowed an employee to perform acts for which a real estate license was required, when he should have known that this employee's real estate license had been revoked by the Ohio Real Estate Commission, and that he was not licensed to practice real estate in Ohio.

DEBRA L. SCHNELL, sales associate, Canton, Ohio, had her sales license suspended for 30 days for violating Section 4735.18(F) and (H) of the Ohio Revised Code. However, imposition of 10 days of this suspension was waived by the Commission. Schnell began serving the 20 day balance of this suspension on December 1, 1986. Schnell falsely represented on her real estate sales application that she was a high school graduate.

GARY E. WHITAKER and G.D.L.S., INC., Dayton, Ohio, each had their broker's license suspended for 30 days for violating Section 4735.18(F) and (Z) of the Ohio Revised Code. Whitaker leased property he personally owned and deposited the rents collected from tenants in the trust account of G.D.L.S., Inc. Because these funds were not received in a fiduciary capacity, they were improperly deposited in the trust account.

UPCOMING TEST DATES

The following are the tentatively scheduled dates for the real estate sales, brokers and foreign real estate sales examinations for the first quarter of 1987:

	SALES COLUMBUS/CLEVELAND		BROKERS COLUMBUS
Feb.	4	18	9
March	11	19, 26	16
April	8	23	6, 13
May	6	21	11

NOTE: Additional examinations may be added in the months to come to accommodate applicants.

FOREIGN REAL ESTATE SALES

	COLUMBUS
February	3, 17
March	3, 17, 31
April	14, 28
May	12, 26

The foreign real estate sales examination is given only in Columbus. Because of the small number of applicants for the foreign real estate dealer examination, these exams are scheduled on an individual basis as the applications are received.

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