



The Ohio
Department
of Commerce

Summer 2005

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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SUPERINTENDENT



by Superintendent Kelly Davids

One of the many joys of serving as Superintendent is the opportunity to meet the members of Ohio's real estate, appraiser, and cemetery industries. Since joining the Division in April, these meetings have given me insight on the Division's perception across the state and provided opportunities to hear additional concerns and ideas. I look forward to meeting many more of you in the coming months and years.

If there is one thing that I am certain of so far, it is that life in the Division of Real Estate and Professional Licensing is very busy. In a given month, the Division serves 700 walk-in customers and answers 6,500 telephone calls. On top of this, the Division annually licenses more than 3,400 real estate brokerages and branch offices, 48,000 brokers and salespersons, and more than 3,000 appraisers. In the past year, the Division received nearly 500 complaints against real estate licensees and more than 150 against appraisers.

The Division's dedicated staff and I are constantly looking for ways to improve our efficiency as well as our services to our customers. We are committed to a balanced approach where we provide fair and consistent regulation for Ohio's real estate, appraiser and cemetery industries as well as educating and protecting Ohio consumers. As Superintendent, I am specifically focused on two critical areas: customer service and minding the Division's bottom line.

A recent change implemented in the customer service area is the Division's telephone automated attendant answering system. Instead of a long series of prompts, callers now receive a simple prompt. Press "1" for directions to our office or to receive the Division's web address, or stay on the line to speak with a customer service representative. We've received positive feedback on this change.

As for the "bottom line," the Division operates on the fees that it collects. Fees have not been raised since 1995 so we are operating on a tight budget. To hold down costs, the OAR supported our decision to eliminate the annual mailing of pocket ID cards. This will save on postage and equipment costs as well as free staff time for other projects. Another cost cutting change relates to this newsletter. Instead of printing and mailing the newsletter, it is now in an electronic format and posted on the Division's web site.

In addition to these changes, we're looking forward to several significant projects on the horizon. First and foremost is the Division's conversion to a new computer system in late August or early September. We are looking forward to utilizing the new web-based e-Licensing system, CAVU, which will permit among other things:

- licensees to change their home address online
- the Division to offer three-year license renewals
- Continuing education course providers to electronically send course rosters to the Division

Although the Division has until January 2008 to fully implement the three-year renewal program, we are hoping to begin such offerings in early 2006.

A second, and equally complex project, is to become fully prepared for the new federal criteria for appraiser qualifications mandated for implementation by January 2008. These mandates will require a major overhaul of the state's appraiser statutes and rules. The greatest area of change will be in the educational requirements for each level of license or certification.

Third on the horizon is the formation of a task force to analyze and develop recommendations on the offering of online courses for continuing education for the appraiser program and pre-licensure education for both the real estate and appraiser programs.

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Kelly's Chronicles continued ...

A fourth major initiative will be the publishing of three research papers through the Real Estate Commission's Education & Research Committee. The topics of the pending research proposals are: Examining Mortgage Default Rates in Ohio; Home Inspection Licensing Feasibility Study; and Auctions in Ohio Real Estate. Upon completion, these papers will be referenced in the Division's newsletter and posted on the Division's website.

As you can see with these major initiatives, we have an ambitious agenda in the coming months. Since becoming Superintendent, one of the questions received repeatedly from those involved in the real estate industry is about the differentiation among duties of the Division, the Ohio Association of REALTORS and the local boards, and the Ohio Real Estate Commission. I'd like to briefly clarify some of the roles of each of these entities:

The Division

Ohio law requires a license for persons who are engaged in representing clients in the purchase or sale of real estate and are compensated for their services. The Division issues licenses for brokers and salespersons and also conducts investigations of alleged violations of license law and unlicensed activity. The Division balances our work by providing fair and consistent regulation of Ohio's Real Estate, Appraiser and Cemetery industries while informing and protecting consumers.

Trade or professional organizations

In addition to licensure, many licensees choose to join trade or professional organizations such as the Ohio Association of REALTORS or local boards, which provide services for their members such as a legal hotline, standardized forms, statistics, and multiple listing services. Membership in a trade organization is not required to sell real estate in Ohio. However, if you don't have a license from the Division, you can't represent buyers or sellers of real estate.

A common area of confusion involves the handling of complaints or disputes. Disputes between brokerages relating to commissions usually can be handled by arbitration proceedings within the local boards. The Division doesn't become involved in such disputes, unless the problem also encompasses possible violations of real estate license law.

The Commission

The members of the Ohio Real Estate Commission are appointed by the Governor with the advice and consent of the Senate. Four of the commissioners have been real estate brokers for at least 10 years and one member represents the public. The Commission is best known for its monthly review of hearing examiner reports regarding alleged licensee violations of license laws and its consideration of licensee appeals on licensure issues. If a licensee is found to have violated licensing law, the Commission can revoke or suspend a license, assess a fine or order additional continuing education.

The Commission can only review matters that pertain to a licensee and the administration of license law. Once such a review is initiated, the Commission cannot award monetary damages to a complainant.

I hope this brief summary of the responsibilities of the Division, trade or professional organizations, and the Commission is helpful.

I have thoroughly enjoyed my first four months with the Division and am looking forward to the many challenges and opportunities on the horizon.

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The Ohio Division of Real Estate & Professional Licensing receives up to 500 pieces of mail each day and 1,500 phone calls per week. The mail received ranges from checks for new sales applicants to continuing education filings for long time licensees and everything in between. The majority of the documents received are complete and the mail can be opened up and sent to the correct section for processing. However, each day mail is received that includes checks

with no explanation as to what the funds are for, applications that are not complete or in some cases documents that do not have a file number on them or any indication as to what they relate to. This lack of sufficient information hinders the processing of these checks and documents.

When you send documents other than applications or forms to the Division, please attach a note and explain why you are submitting the information. The appropriate section must wait until all of the required documents and fees are received before processing your request. If you forget to put a check or an attachment with an application, please include a note explaining the information should be added to a previously submitted application. If the Division requests additional documents from you, please return the request letter along with the documents. Failure to return the correct information or documents within thirty days will result in the loss of your application fee.

Reminder: the only time you do not have to return a sales license is when a sales person transfers from one brokerage to another brokerage. By signing the Sales Transfer/Reactivation Application, you are affirming “you have notified your broker in writing” regarding your transfer to another brokerage. In all other instances the original license must be returned to the Division.

The Division’s ultimate goal is to serve you, our licensees, quickly and efficiently. By adopting these steps you will help us help you.

New Database System for the Division

This fall, the Division of Real Estate & Professional Licensing will discontinue use of its current database program, RealPro, and transition to a new system called eLicense. The eLicense system is produced by CAVU Corporation.

The eLicense system is already in place in other state agencies, and it will also be used in several other divisions within the Department of Commerce. The system’s architecture was designed using newer technology than our current application, and we should be able to reduce paperwork and increase efficiencies. It should allow us to provide an even higher level of customer service. For instance, licensees will soon be able to change their home address online, and CE Course Providers will be able to electronically send us course rosters, reducing the reporting requirements on the individual.

Unfortunately, as with any transition period, the Division may experience some growing pains as the new system comes online. Please try to have patience with us as the staff learns to use the many wonderful new features the system will provide.

Three-Year Staggered Renewal

The new system will also allow us to move forward with the implementation of the Three-Year License for real estate brokers and salespeople. Beginning in 2006, licensees will renew their license for one, two, or three years so that it corresponds with their next continuing education due date. The idea behind this measure is to get both renewals and continuing education due on the licensee’s birthday every three years, making it one consolidated process. Eventually, this should also help to streamline the Division’s paperwork, speeding up the processing of other items such as transfers and reactivations.

Additional information on the Three-Year Renewal Cycle will be available in the next edition of the Real Estate & Professional Licensing Newsletter. Complete instructions will also be included with your 2006 renewal notice.

The Commercial Corner

Out-of State Commercial Broker Affiliations



Do you affiliate with out-of-state-commercial brokers or salespersons for Ohio real estate transactions? If you do, are you sure that you're complying with R.C. 4735.022, a statute that specifically addresses such affiliations? This article explains the requirements for an out-of-state commercial broker or salesperson to affiliate with an Ohio real estate broker.

R.C. 4735.022 states that in order to perform any act that requires an Ohio real estate license an out-of-state commercial broker must do all of the following:

1. Work in cooperation with an Ohio real estate broker who holds a valid, active Ohio real estate license;
2. Enter into a written agreement with the Ohio broker that includes the terms of cooperation and compensation and a statement that the out-of-state commercial broker and its agents will agree to adhere to the laws of Ohio;
3. Furnish the Ohio broker with a copy of the out-of-state commercial broker's current certificate of good standing from any jurisdiction(s) where the out-of-state commercial broker maintains an active real estate license;
4. File an irrevocable written consent with the Ohio broker that legal actions arising out of the conduct of the out-of-state commercial broker or its agents may be commenced against the out-of-state commercial broker in the court of proper jurisdiction of any county in Ohio where the cause of action arises or where the plaintiff resides;
5. Include the name of the Ohio broker on all advertising in accordance with R.C. 4735.16;
6. Deposit all escrow funds, security deposits, and other money received by either the out-of-state commercial broker or Ohio broker in trust or special accounts maintained by the Ohio broker;
7. Deposit all documentation required by this section and deposit all records and documents related to the transaction(s) with the Ohio broker.

Furthermore, the Ohio broker shall retain the documentation that is provided by the out-of-state commercial broker and the records and documents related to a transaction for a period of three (3) years after the date the documentation is provided, or the date the transaction occurred, as appropriate.

Also, in order to perform any act that requires an Ohio real estate license an out-of-state commercial salesperson must do all of the following:

1. Be licensed with and work under the direct supervision of an out-of-state commercial broker;
2. The out-of-state commercial broker must meet all of the requirements set forth in R.C. 4735.022 (the seven listed above);
3. Provide the Ohio broker with a copy of the out-of-state commercial salesperson's current certificate of good standing from the jurisdiction(s) where the out-of-state commercial salesperson maintains an active real estate license in connection with the out-of-state commercial broker;
4. Collect money, including commissions, deposits, payments, rentals, or otherwise, only in the name of and with the consent of the out-of-state commercial broker.

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The Commercial Corner continued...

Finally, any out-of-state entity that is licensed in a jurisdiction where there is no distinction between a real estate broker license or real estate salesperson license must meet all of the requirements set forth in R.C. 4735.022 for an out-of-state commercial broker before engaging in any activity that requires a real estate broker license in Ohio.

It is important to note that any out-of-state commercial broker or salesperson who fails to comply with all of the above requirements will be engaging in unlicensed activity in violation of R.C. 4735.02. Under R.C. 4735.052, the Ohio Real Estate Commission is authorized to impose a penalty of up to \$1,000 per day for every day of unlicensed activity, whether it is commercial or residential. Additionally, any Ohio broker who participates in a transaction with an out-of-state commercial broker or salesperson who does not comply with all of the requirements set forth in R.C. 4735.022 will be authorizing or permitting unlicensed activity to occur in violation of R.C. 4735.18(A)(34).

If an out-of-state commercial broker or salesperson approaches you about affiliating with your brokerage, you may want to advise them of these requirements to ensure compliance.

Laird Eddie, Real Estate Licensing Supervisor Prepares for Retirement in September

As Laird Eddie, the Division's supervisor of Licensing, Education and Testing, prepares to retire in September, he looks back on his 11 years with the Division and service to the real estate industry.

In 1994, Laird joined the Division as an investigator in the Enforcement section. He was promoted in 1998 to supervise the Education & Testing sections and in 2002 his duties expanded to include supervising the Licensing section.



Q: What changes have you seen through the years?

A. The most exciting changes have involved technology, and in utilizing it, improving services to our licensees. The Division went to outside testing in 1999, and beginning in 2002, distance education courses were offered where you could take all 30 hours of continuing education online. Another change was when we went to online renewal. While there have been a few hiccups along the way, that is to be expected anytime you have changes in technology. The development of our website has been another instance where we are making it more convenient for our external customers. I just wish that more people would use it because we receive a lot of telephone calls and emails asking questions that can be answered immediately on our website. Using the website can save time for the licensee and the Division's staff.

Another innovation was when we changed to having education and renewal due at the same time. Under this system, licensees know that their license and education is due on their birthday.

I am confident that there are going to be continuing changes down the road as we convert to a new computer system, and I am sure we are only going to get better.

Q: You always seem so cheerful; did anything cause you frustration?

A: If I have a concern with the industry, it is that some individuals don't keep up with the changes in the law. We get a lot of new licensees that come in and say "well I was told by an old timer that this is the way it was," but you have to tell them that this is the way it used to be but the law has changed. The licensees need to keep up with the updates in the law. Our quarterly newsletter is being published online and I think that is great because any individual can look on our website and read our newsletter because it will bring them up to date. Now everybody can get the newsletter, not just brokers.

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Laird Eddie continued...

Unfortunately, it's an ongoing problem when people don't fill out the applications correctly. People are in such a hurry, especially the new people who want to take the exam. We get a lot of forms where applications are not signed and education is not submitted. I think the new checklist that is now attached to the new sales license application will help and it is something the brokers might want to give to their personnel department to run all applications through.

Q: Do you have any funny stories or strange incidents you can share?

One of the best ones was when we got an application and the only thing completed on the application was the broker's signature.

Q: Is there any closing comment or suggestion you would make before you leave?

A: If there was one thing I could ask it would be that if anyone in the industry has ideas they think might help us, we are open to new ideas. We have over 48,000 licensees and it amazes me how the industry continues to grow. I remember when I first came on board 11 years ago we were in the low 30's. There are a lot of good people out there that I have worked with that I am going to miss. The interaction I have been able to have with a lot of these people has been great.

Q: What has been the best thing about this job?

A: The best thing about this job has been the people. In Licensing, Education & Testing, the vast majority of the licensees do it right and they are great people to work with. They have made it a lot of fun and enjoyable to work here.

Q: Do you have retirement plans?

A: My retirement plans include finalizing plans with the builder on my year-round home in Michigan and I hope to break ground in April 2006. Then I am planning to attend my 40th college reunion before spending some time with my youngest son near Washington, D.C. I would also like to go to Culinary School at Columbus State, or as I call it, "chop chop school." I enjoy making desserts and baking Hawaiian sweet bread which I bring in when the Division has special occasions. I've already been told I will need to bring some in now and then.

Q: Do you have any parting words of wisdom for your co-workers and external customers?

A: I have always felt that your attitude will make you or break you. If you have a positive attitude to make something work, it will. According to Dale Carnegie, "act enthusiastic and you will be enthusiastic." I would also just like to say it's been enjoyable. There have been some challenging days, but if you are enjoying it 99.9 percent of the time, that's not bad. I want to wish everybody good luck, and look forward to the future, because I think the future is bright for the industry and the Division.

Real Estate Examination Fees DROP!

The Division is pleased to announce that the fee charged by the Division's testing provider for real estate broker and salesperson examinations changed on July 1, 2005. The Division recently entered into a new testing contract which will run until June 30, 2007. Due to competitive bidding the exam fees will be reduced from \$59.00 per test administration to only \$49.00. Appraiser Examination fees will remain unchanged at \$75.00.

The new contract should result in no disruption to candidates as the winning bidder is Thomas Prometric, our current provider. You may know the testing vendor as Experior Assessments. Experior was purchased by Thomson Prometric. You may continue to see the Experior name on various materials in the immediate future.

The Division was pleased to have a number of qualified bidders seeking this contract. An experienced team of Division staff took into account concerns expressed by licensees, applicants and staff about the testing process in determining criteria for selecting the vendor for the 2005-2007 contract period. Thomson Prometric is committed to meeting the standards set forth in the new contract.

Please remember that this change applies only to the examination fees paid directly to Thomson Prometric. No change in other licensing or application fees has been made.

Appraiser Disciplinary Actions

SUSPENSIONS, EDUCATION

Thomas Henry Baker – State licensed residential real estate appraiser – Beachwood, OH. The Appraiser Board found that Thomas Henry Baker should be subject to disciplinary action for violation of ORC Section 4763.11(G)(3). Baker committed a felony, conspiracy to defraud the United States, and was convicted of said felony in the United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:02 CR 351-029, on June 30, 2003. The Appraiser Board found Thomas Henry Baker guilty of the violation charged and ordered: Thomas Henry Baker must complete a fifteen (15) hour course in the USPAP within one (1) year of the date of the Board's order and successfully pass the course examination. Additionally, he must complete a thirty (30) hour course that covers valuation procedures (Cost and Sales Comparisons) within one (1) year of the date of the Board's order and successfully pass the course examinations. The courses taken to satisfy the educational requirement cannot be used toward the fourteen (14) hours of annually required continuing education. Further, the state residential real estate appraiser license of Thomas Henry Baker is suspended for eighteen (18) months.

Judson E. McCann – State licensed-residential real estate appraiser – Akron, OH. The Appraiser Board, upon granting the request for reconsideration and reviewing testimony presented, found good cause not to modify the discipline imposed in the October 28, 2004 order. As to count one, a violation of ORC Sections 4763.11 (G)(6) and 4763.11 (G)(5) as it incorporates USPAP Standards Rules 1-1(b), 1-1(c), 1-2(e)(i), McCann did not define the neighborhood boundaries in which the subject property was located. He inaccurately cited the location of the subject neighborhood. He gave the wrong zoning district and the wrong FEMA map number for the subject property. As to count two, a violation of ORC Sections 4763.11(G)(6) and 4763.11(G)(5) as it incorporates USPAP Standards Rules 1-1(b), 1-1 (c), 1-2(e)(i), 1-2(e)(ii), and 2-1(a), McCann failed in the report to provide proper evaluation and description of the neighborhood market of the subject property. This contributed to the development of a deficient sales comparison that included unsuitable comparable properties. Mr. McCann incorrectly cited the design, basement description, and square feet of the subject property. The room listings and gross living area of the subject property were inaccurate. He did not include a condition rating in describing the interior of the subject property. As to count three, a violation of ORC Sections 4763.11(G)(6) and 4763.11 (G)(5) as it incorporates USPAP Standards Rules 1-1(a), 1-1(b), 1-1(c), and 1-1(e) (i), in the sales comparison portion of the report, he incorrectly cited the ages, design, and quality of construction of the comparable properties. Also, he incorrectly cited the room description of a comparable property and its heat source. As to count four, a violation of ORC Sections 4763.11(G)(6) and 4763.11(G)(5), as it incorporates USPAP Standards Rules 1-1(a), 1-1(e), 2-2 (b)(iii) and 2-2 (b) (ix), Mr. McCann failed to use appropriate comparable properties in the sales comparison section of the report and failed to identify prevailing market conditions of the neighborhood of the subject property that were within a value range that was much lower than the value estimate for the subject property. As to count five, a violation of ORC Sections 4763.11(G) (6) and 4763.11(G)(5), as it incorporates USPAP Standards Rules 1-1(b), 1-1 (c), 1-4 (b), and 2-1(b), in the cost approach section of the report, the costs assigned to the construction of a like finished basement were excessive and included an overstated gross living area. The garage area was improperly included in the basement area as a separate line item. The source of the cost data was not furnished in the report. As to count six, a violation of ORC Section 4763.11(G)(7), the considerations cast doubt on the credibility of the report to such an extent that the final valuation was not accurate and constitutes a separate violation. The Appraiser Board found Mr. McCann violated counts one through six. The Board Ordered: McCann's appraiser license suspended for sixty (60) days for each count for a total of three hundred and sixty days (360). Additionally he must complete a fifteen (15) hour course in the USPAP within one hundred twenty (120) days of the date of this order and pass the examination. The additional education taken cannot be used toward the fourteen (14) hours of annually required continuing education.

Misty Lynn Pullon - State residential real estate appraiser license – Hide A Way Hills, Ohio. The Appraisal Board found that Misty Lynn Pullon should be subject to disciplinary action on five counts. As to count one, for violation of ORC Section 4763.11(G)(5), as it incorporates USPAP Standards Rule 2-2(b)(xi), for failing to delineate the departures taken in the appraisal report. As to count two, for violation of ORC Section 4763.11(G)(6), for failing to exercise reasonable diligence in developing the appraisal report by selecting and using a comparable property that was significantly dissimilar to the subject property. As to count three, for a violation of ORC Section 4763.11(G) (6), for failing to exercise reasonable diligence by making a value adjustment to a comparable property. As to count four, for violation of ORC Section 4763.11(G)(5) as it incorporates USPAP Standards Rules 1-2(e)(i), for failing to factor in external conditions, specifically, a large apartment complex that joined the property and high tension power lines located in close proximity that impacted the value of the property. As to count five, for violation of ORC Section 4763.11 (G)(6), for failing to

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Appraiser Disciplinary Actions continued

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exercise reasonable diligence in reporting the correct zoning classification of the subject property and failing to recite the FEMA map reference number. Misty Lynn Pullon was found to have violated counts 1 through 5. For these violations, the Board Ordered: As to count one, Ms. Pullon must complete a fifteen (15) hour course in USPAP as of the date of this order and successfully pass the course examination. As to count two, Ms. Pullon must complete a fifteen (15) hour course in the Sales Comparison Approach and successfully pass the course examination. The courses taken to satisfy the educational requirements cannot be used toward the fourteen (14) hours of annually required continuing education. Additionally, the education has to be completed prior to reissuing of the state residential real estate appraiser license. Ms. Pullon is suspended for sixty (60) days for each of the five counts. The suspensions are to run consecutively for a total of three hundred (300) days.

****Disciplinary Action Correction****

In the Spring 2005 Division newsletter, the disciplinary action of Maurice Richard Skiffey was erroneously reported under the heading "Suspensions." Mr. Skiffey's license was not suspended. Mr. Skiffey was disciplined as follows:

Maurice Richard Skiffey – State-licensed residential real estate appraiser - Niles, OH. Maurice Richard Skiffey was found to have violated, as to count one, Ohio Revised Code (ORC) Section 4763.11(G)(5) as that section incorporates ORC 4763.13(A) and USPAP Standards Rules 1-1(c), 2-1(a). Mr. Skiffey committed a series of errors that resulted in the issuance of an inaccurate and/or misleading appraisal report. He failed to accurately reflect the square footage of the subject property; failed to accurately reflect the number of bedrooms in the subject property; failed to accurately reflect a prior sale date. As to count two, he was found to have violated ORC 4763.11(G)(5) as it incorporates ORC 4763.13(A) and USPAP Standards Rule 2-1(c). He failed to properly denote and analyze that the appraised property was subject to an existing lease or land contract. As to count three, he was found to have violated ORC 4763.11(G)(5) as it incorporates ORC 4763.14. Mr. Skiffey failed to retain a true and original copy of the appraisal report. As to count four, he was found to have violated ORC 4763.11(G)(6) and (7). He failed to exercise reasonable care and diligence in the preparation and issuance of the appraisal report. Mr. Skiffey was found to have violated counts one through four as charged in this matter. For these violations, the Appraiser Board ordered: As to count one, Mr. Skiffey is issued a written reprimand and admonished to use reasonable care and diligence in the preparation and development of appraisal reports. Additionally, he must complete a fifteen (15) hour course in USPAP within ninety (90) days of the date of the Appraiser Board order and successfully pass the course examination. Completion of the USPAP course and a written reprimand shall satisfy the requirements for counts #1, #2, and #3. As to count four must complete a fifteen (15) hour course in Valuation Procedures or a course that covers any or all of the three Approaches to Value within one hundred twenty (120) days of the date of the Appraiser Board's order and successfully pass the course examination. Credit for the education courses ordered herein will not count to satisfy the annual fourteen (14) hours of required appraisal continuing education.

Real Estate Disciplinary Actions

SUSPENSIONS, FINES, EDUCATION

JOHN A. WHARTON, broker, Athens, Ohio, as the result of an investigation of a formal complaint, was required to complete and to submit proof of completion of a six hour course on property management for violating Ohio Revised Code (ORC) 4735.18(A)(5) when he failed to return all funds taken as a security deposit to a client. In addition, Mr. Wharton was found to have violated ORC 4735.18(A)(9) as it incorporates ORC 4735.62(B), when he failed to perform the terms of a written agency agreement, instead he cancelled the agreement early, but there was no additional penalty for this violation. Finally, he was fined \$300.00 and required to complete and to submit proof of completion of a three hour fair housing course for violating ORC 4735.18(A)(9) as it incorporates ORC Sections 4735.55(A)(2) and (A)(3), when he failed to include the required fair housing and blockbusting language in a written agency agreement.

SHERRY UMBRIGHT, salesperson, Akron, Ohio, as the result of an investigation of a formal complaint, was required to complete and to submit proof of completion of the ten hour sales post-licensure course for violating ORC 4735.18(A)(20) when she offered property for sale without the knowledge and consent of one of the owners of the property. In addition, she was required to complete and to submit proof of completion of the ten hour sales post-licensure course for violating ORC 4735.18(A)(19) when she negotiated the sale of the property, knowing that the owners of the property had a written outstanding contract granting exclusive agency in connection with the property, with another real estate broker. The education sanction for both violations, are to be completed concurrently.

FRANK C. STURNIOLO, salesperson, Genoa, Ohio, was required to complete and to submit proof of completion of the ten hour sales post-licensure course for violating ORC 4735.18(A)(6) as it incorporates ORC 4735.13(C) when he failed to notify the Superintendent of a felony conviction within fifteen days as required by statute. He was also required to complete and to submit proof of completion of the ten hour sales post-licensure course for violating ORC 4735.18(A) for the felony conviction. The education sanction for both violations, are to be completed concurrently.

KEN BRUCE CHEEK, salesperson, Cincinnati, Ohio, as the result of an investigation of a formal complaint, was required to complete and to submit proof of completion of the ten hour sales post-licensure course for violating ORC 4735.18(A)(9) as it incorporates ORC 4735.71(A). Mr. Cheek represented both the buyer and seller in a transaction, but failed to obtain each of their written consents to a dual agency by executing a dual agency disclosure form.

SUE C. BOONE, broker, Hillsboro, Ohio, as the result of an investigation of a formal complaint, was fined \$2,500.00 and was required to complete and to submit proof of completion of the ten hour brokerage post-licensure course for violating ORC 4735.18(A)(24), for not retaining transactional documents.

ANTONIO D'ALBERTO, salesperson, Dublin, Ohio, as the result of an investigation of a formal complaint, was fined \$100.00 and was required to complete and to submit proof of completion of the ten hour sales post-licensure course for violating ORC Sections 4735.18(A)(6) and (A)(35). Mr. D'Alberto engaged sellers to list a property on a listing agreement and proceeded without authorization of the sellers, to change the designated effective date of the listing. In addition, he was fined \$200.00 and was required to complete and to submit proof of completion of the ten hour sales post-licensure course for violating ORC 4735.18(A)(25), when he failed to provide his client a copy of the signed listing document at the time of signing. The education sanction for both violations, are to be completed concurrently.

JERRY G. GROVER, broker, Worthington, Ohio, as the result of an investigation of a formal complaint, was fined \$1,000.00 for violating ORC 4735.18(A)(35), when, as a property manager, Ms. Grover inserted her brokerage name as the lessor, when in fact, the property was not owned by the brokerage, creating the false impression that the brokerage was the owner of the property. In addition, she was fined \$500.00 and required to complete and to submit proof of completion of three hours of education in property management for violating ORC 4735.18(A)(6) as it incorporates ORC 4735.62(B). The Commission found that during the course of her management of the property, she failed to render a statement of itemized income and expenses within the time period required by the management agreement. Finally, she was fined \$1,000.00 and required to complete and to submit proof of completion of the ten hour brokerage post-licensure course for violating ORC 4735.18(A)(6) as it incorporates ORC 4735.62(B). The Commission found that she failed to adequately communicate with her client, the owner of the property, the status of the property and failed to provide the owner with documents relative to the property, even after re-peated attempts by the owner and repeated requests for the documents.

PAMELA K. JEANNERET, salesperson, Middleburg Hts., Ohio, as the result of an investigation of a formal complaint, was fined \$500.00 and was required to complete and to submit proof of completion of the ten hour sales post-licensure course for violating ORC 4735.18(A)(6) as it incorporates ORC 4735.62(C). Ms. Jeanneret failed to follow the lawful instructions of the seller regarding actual possession of a property by giving the combination to a lock box to the buyer's agent. In addition, her license was suspended for a period of five days, which commenced on May 21, 2005, and she was fined \$500.00 for violating ORC 4735.18(A)(6) when she performed transaction duties while not licensed.

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Real Estate Disciplinary Actions Continued...

JERRY RIGOT, broker, Huber Heights, Ohio, as the result of an investigation of a formal complaint, had his license suspended for a period of thirty days which commenced on May 21, 2005. He was also fined \$6,000.00 and required to complete and to submit proof of completion of fifteen hours of continuing education courses for violating three counts of ORC 4735.18(A)(6), one count of ORC 4735.18(A)(9) as it incorporates ORC 4735.55, and two counts of ORC 4735.18(A)(36). The Commission found that Mr. Rigot failed to present his seller client with an offer. Next, he communicated a fraudulent counteroffer to buyers. Also, he failed to present his seller clients with an offer. In addition, he fraudulently entered into a purchase agreement, by indicating he owned a fee interest in a property, when in fact, he owned only a partial interest in the property. Next, he engaged in a pattern of deception, self-dealing and breached his fiduciary duties to his client sellers, when he failed to communicate an offer to his clients, but then personally secured a land contract with the sellers and attempted to personally sell the property to the buyers. Finally, he used an agency agreement that contained incorrect fair housing language.

DAVID E. BOWERS, salesperson, Dublin, Ohio, as the result of an investigation of a formal complaint, was fined \$300.00 and required to complete and to submit proof of completion of a three hour course on agency for violating ORC 4735.18(A)(6) as it incorporates ORC 4735.58(B)(1)(c) when he failed to present an agency disclosure form to the purchaser of a property prior to showing the property.

Pocket Cards Discontinued

Beginning July 1, 2005, the Division discontinued issuing pocket cards to Real Estate licensees. This decision was reached after much deliberation and discussion within the Division and after seeking input from the Ohio Association of Realtors®. To find information including the license number for a licensee, as well as checking your renewal status, the Division's website www.com.state.oh.us/real is the correct source to verify this information.



**The Ohio
Department
of Commerce**

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

Don't forget to stop by the
Ohio Department of
Commerce fair booth
during the Ohio State Fair
August 3 - 14th!

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