



Department  
of Commerce

Division of Real Estate  
& Professional Licensing



WINTER 2019

Division of Real Estate &  
Professional Licensing

Ohio Department of Commerce

NEWSLETTER

## Happy New Year from Supt. Petit!



As we take a look back, the Division of Real Estate & Professional Licensing has had yet another whirlwind year. 2019 saw the beginning of important new programs, including the Cemetery Grant Program, the Land Professional Program, and the Home Inspector Program, as well as the appointment of the Ohio Home Inspector Board. We know that you all had a busy year as well, with the many calls, emails, and walk-in visits we received.

With the blank canvas of 2020 stretched out ahead of us, I want to wish you all a successful year. Happy New Year's from all of us at the Division of Real Estate & Professional Licensing!



# Happy New Year!



Department  
of Commerce

## Home Inspector Program Update

The Ohio Home Inspector Board is now fully appointed with all seven members. At this time, administrative rules for the Home Inspector Program

are being reviewed by the Common Sense Initiative Office (CSI). Because the rules have not yet received final approval, the Division of Real Estate & Professional Licensing is not enforcing the original November 1 deadline requiring a license to do home inspections. **The current deadline is April 5, 2020\***. The Division has issued over 700 licenses so far through the grandfather application.



[Click here for the Home Inspector FAQ sheet](#)



## AMC Update

For those with an appraisal management company license, renewals are due soon! The Division will be sending out renewal information to the company and controlling person for the company. The Division will also be reporting AMCs on the National Registry in 2020 and collecting a National Registry Fee with this upcoming renewal. Please continue to monitor your mail and email for that important information.

## Broker's Corner

In April of 2017, H.B. 532 was enacted creating the requirement that *all* brokers submit the Broker Responsibility class as part of each three-year renewal. Beginning April 6, 2020, any broker or management-level salesperson who has a renewal due must submit the three-hour Broker Responsibility Class to prevent suspension.



The Division will be sending out renewals beginning in February 60 days before the April 6 due date that have the additional requirement for the Broker Responsibility class.

Beginning with renewals due April 6, 2020 and after, this new course on broker responsibilities is a core class for anyone who holds a broker credential or a management-level salesperson credential. Active brokers over the age of 70 will now have four core classes and 12 total hours to submit instead of nine hours of continuing education.

Inactive brokers, as well as associate, management-level and principal brokers are all required to submit this class with each renewal. The Ohio Real Estate Commission expects management-level salespersons will take the class as soon as they are designated a management-level salesperson. If, at the time of renewal a salesperson is a managing salesperson, they are required to submit the three-hour Broker Responsibility class as one of their three-hour requirements. Licensees with an active sales license but an inactive (on-deposit) broker license must submit the class as well, even if they are not a management-



## Land Professionals Update

As the Land Professional Registration Program progresses here at the Division, a few issues have come to our attention. First, based on calls from landowners and land professionals alike, we heard that there was confusion about where to return the signed land professional disclosure statements.

Therefore, we have updated the land professional disclosure statement form to help address the issue. Please be sure to [download](#) and save this newly updated form for all future use.

Second, according to landowners, many do not know what property they are being contacted about because the property address and/or parcel number is blank. Before mailing landowners the disclosure form, land professionals should complete the entire form, along with the name(s) of the landowner(s).

Future updates on the Land Professional Registration Program will be available on the Division's website and email updates will be provided as well. Land professionals may sign-up for the email updates [here](#).

## Cemetery Registration Requirements



According to Ohio law, since 1993, no person, church, religious society, established fraternal organization, or political subdivision of the state shall own, operate, or maintain a cemetery unless the cemetery is registered with the Ohio Department of Commerce, Division of Real Estate & Professional Licensing. Cemetery registration does not apply to or affect a family cemetery or a cemetery in which no interments have occurred during the previous 25 years.

The cemetery registration program has now been in effect for 26 years. The Division is discovering some cemeteries that were originally registered at the beginning of the program are now exempt from registration as there has not been a burial in the last 25 years. If you operate a cemetery registered with the Division and that cemetery has not had a burial in the last 25 years, you should contact us in writing to inform the Division that there have been no burials in the last 25 years. The Division will then inactivate that cemetery's registration. The Division will also be updating registration statuses as we determine cemeteries in our system that should no longer be registered.



## Divorcing Clients?

Be sure to consider the various aspects involved as you represent clients in the sale of properties resulting from divorce. Unfortunately, some licensees have found themselves in hot water when representing clients during this process. For example, some

licensees have been accused of favoring one client over the other and/or generally failing to fulfill their fiduciary duties in situations that are sometimes difficult in the first place. Ask yourself several questions, including:

- Do I have a copy of a divorce decree for review? More specifically, does the divorce decree dictate terms for handling the sale of marital property? Who are the “necessary” parties in this situation/transaction?
- Have the necessary parties signed the listing agreement, consumer guide to agency relationships, and/or other agency agreements?
- Have all purchase offers and addenda been presented to the necessary parties?
- Have all developments during the transaction been conveyed to the necessary parties?
- Have all necessary signatures/initials been obtained for documents?
- Does the transaction require communication with counsel for either of the divorcing party?

These questions are not all-inclusive, yet they represent some of the considerations that could help avoid conflict when representing divorcing clients in the sale of their property. Sales licensees are also encouraged to discuss these scenarios with their principal broker or management-level licensee.

If you have questions or concerns regarding your license law responsibilities in this regard, please contact the Division’s Enforcement section at 614-466-4100 or submit an inquiry via email to: [webreal@com.state.oh.us](mailto:webreal@com.state.oh.us).



## Tips for Registering a Preferred Name

We have currently processed approximately 2,000 [Preferred Name Registrations](#) from licensees who want to advertise in a manner different than their licensed name.

**Please note:** Preferred names are for advertising purposes only. The name on your license does not change once we process your form. For example, the Preferred Name Registration is for licensee Michael who goes by Mike, or a licensee who uses their middle name as their first name, or a licensee who wants to add their maiden name to their advertising.

The Division will add your preferred name to your file so that members of the public can determine if you are licensed based on your advertised name. When your preferred name registration is approved, we will send you an email confirmation that the preferred name was approved and added to your file.

Please let your Principal Broker know of the name you have registered with the Division for advertising purposes. If you have a **legal** name change, you still need to submit the [Change Application – Individual](#) and submit the appropriate legal documents as proof of the name change, along with the \$25 fee.

As a reminder, you are not required to advertise using your middle name, even if it is listed on your license, therefore you do not need to submit a Preferred Name Registration to advertise without your middle name.

[Click here for some helpful tips about Preferred Name Changes.](#)

## Background Checks Reminder

As a reminder, effective November 1, 2019 all applicants to sit for the real estate sales or broker exam are required to submit state and federal criminal history checks.



After submitting an application to the Division, applicants need to contact a Webcheck provider to submit fingerprints. Everything the Webcheck vendor needs to process your prints is on the instruction page of the exam applications. We strongly suggest applicants take the instruction page with them to the Webcheck provider so the vendor will know how to process the request. The instruction sheet contains the reason code and the Division's address.

**If the results of the criminal history check are sent directly to the applicant, or if we receive them before we receive an application, the applicant will be required to resubmit them.** The fee for the criminal history check will be paid directly to the Webcheck vendor. Criminal history checks are not required with Retake Applications.

When submitting a sales exam application to the Division and answering the ethical questions, applicants must be truthful and honest. If the applicant has **ever** been convicted, the applicant must mark "YES" on ethical question #6. There is no time limit to convictions—if an applicant was convicted 30 years ago, s/he must still mark "YES" on the ethical question and submit a letter of explanation with the application. Submitting conviction papers and sentencing guidelines with the letter of explanation will expedite the application. If the applicant marks "NO" on ethical question #6 and the background check comes back with a conviction, the applicant has not been truthful and honest.

Applicants are required to submit criminal history checks within 10 days of submitting the application. Due to the high volume of criminal history checks required by various agencies and organizations, the turnaround time at BCI is currently 45-60 days.

## Disciplinary Actions June - Oct. 2019 - Appraiser

Listed below are the Appraiser Disciplinary Actions June through Oct. 2019

### REVOCATIONS/SURRENDERS

None

### SUSPENSIONS/FINES/ADDITIONAL EDUCATION & REPRIMANDS

[Click here to read the Appraiser Discipline Summary](#)

## Disciplinary Actions June - Oct. 2019 - Real Estate

Listed below are the Appraiser Disciplinary Actions June through Oct. 2019

### Revocations

Leon M. Mohler Broker	Reynoldsburg	Associate	
Sameer Beydoun		Salesperson	Toledo

### Suspensions, Fines, Education

Marcus H. Sebens		Salesperson	Cincinnati
Kristin M. Calendine		Associate Broker	Dayton
Joel D. Dutton		Associate Broker	Canton
Jared E. Dutton		Salesperson	Cleveland
Timothy Gleason		Principal Broker	Sidney
Sandra K. Shipman		Salesperson	Sidney
Jonathan D. Roth		Principal Broker	Cincinnati
Harry E. Rodgers III Falls		Salesperson	Cuyahoga
Colleen Welch Broker	Reynoldsburg	Principal	

### Unlicensed Activity

None

[Click here to read the Real Estate Discipline Summaries](#)

**Know additional people who would like to receive this email?**

[Subscribe HERE](#)

**or send their email address to**

[Michael.Gravely@com.state.oh.us](mailto:Michael.Gravely@com.state.oh.us).

