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1301:5-1-04 Applications.

- (A) The signature on any application may be written by hand or be an electronic signature, as defined by division (H) of section 1306.01 of the Revised Code.
- (B) Upon notice from the division of real estate and professional licensing that an application ~~for initial licensure~~ is incomplete or incorrect as filed, the applicant shall within thirty days of the date of the notice submit to the division a corrected application or the additional information requested.
- (C) Failure to timely submit a corrected application or additional information shall constitute just cause for the superintendent to impose a forfeiture of the application fee ~~pursuant to section 4735.06 or 4735.09 of the Revised Code~~ and void the application.
- (D) Any principal broker who terminates sponsorship of an applicant for initial licensure shall give the division and such applicant notice in writing.
 - (1) Failure to give such notice to the division or applicant may be deemed to be evidence of misconduct in violation of division (A)(6) of section 4735.18 of the Revised Code.
 - (2) An applicant not yet approved by the division to sit for the real estate salesperson examination shall within sixty days of the date of notice submit to the division a corrected application with the sponsorship of a new principal broker. Failure to timely submit a corrected application shall constitute just cause for the superintendent to impose a forfeiture of the application fee pursuant to section 4735.09 of the Revised Code.
 - (3) An applicant approved by the division to sit for the examination shall be permitted to take the examination. The division shall only issue a new license when the applicant both passes the salesperson examination and submits to the division the sponsorship of a new principal broker.

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1301:5-1-05 Examinations.

- (A) An applicant must take the real estate examination in accordance with the instructions provided by the testing vendor. The applicant shall have twelve months from the date the division notifies the testing vendor of the applicant's testing eligibility to pass both portions of the examination.

The applicant must notify, in writing, the division and the sponsoring principal broker of any change in application status, including a change of name or address, that occurs during the twelve month eligibility period or any event that would affect the fitness of the applicant to take the examination, including but not limited to, a felony conviction, or conviction for crime involving moral turpitude.

- (B) The applicant for the real estate broker license shall submit a one hundred ~~dollar~~ thirty five dollar application processing fee payable to the division with each application submitted. All applicants shall submit a separate examination fee payable to the testing vendor to be seated for the real estate broker examination.
- (C) Examinations fees shall be set forth in the agreement between the superintendent and the testing vendor.
- (D) The applicant for the real estate sales license shall submit an eighty one ~~sixty~~ dollar application processing fee payable to the division with each application submitted. All applicants shall submit a separate examination fee payable to the testing vendor to be seated for the real estate sales examination.
- (E) The content of the examination will be segmented into one portion on national law comprising two-thirds of the examination, and one portion on Ohio state law, comprising the remaining one-third of the examination. The broker license applicant must achieve a scaled score of at least seventy-five per cent on each portion of the examination in order to be considered as passing both portions. The salesperson license applicant must achieve a scaled score of at least seventy per cent on each portion of the examination in order to be considered as passing both portions.
- If the applicant achieves a passing scaled score on one portion of the examination, but not both, then the applicant need only retake and pass the failed portion to achieve complete passage of the examination. To retake the failed portion(s), the applicant must reapply and remit a new application processing fee payable to the division. The applicant must also remit the examination fee payable to the testing vendor upon retaking the examination.
- (F) An applicant for licensure will have only the twelve month eligibility period to successfully pass both portions of the examination. If the applicant passes one portion and fails the other, the portion of the examination passed shall remain valid for the duration of the eligibility period. If the applicant fails to retake and/or pass any failed portion of the examination within the eligibility period, the portion previously passed shall be considered invalid and the applicant's file shall be closed. An applicant for licensure must then submit a new application together with a new application processing fee payable to the division and a new examination fee payable to the testing vendor. The applicant must also retake both portions of the examination.
- (G) Each applicant shall bring to the examination one form of government-issued photo identification and any other form of identification required by the testing vendor. No applicant shall be admitted to the examination unless such identification is submitted to the examiner prior to taking the examination.
- (H) If the division receives any form of notice from the testing vendor of applicant misconduct prior to, during or subsequent to the examination, the superintendent shall deny the applicant's application for licensure and prohibit the applicant from taking the examination for a period of twelve months from the date of

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misconduct.

(I) Within thirty days of the examination date, any applicant who passes the broker examination shall do one of the following:

- (1) Activate the broker license;
- (2) Place the broker license on deposit and, if desired; or
- (3) Reactivate the sales license.

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1301:5-1-06 Termination of brokerage affiliation.

- (A) Any principal broker who, for any reason, other than the request of the superintendent, returns the license of a licensee affiliated with the brokerage shall give the licensee notice in writing by hand delivery, mail, facsimile or email within three business days of returning the licensee's license to the division. The principal broker must maintain proof of delivery of the notice to the affiliated licensee and the principal broker shall copy the division on the notice given to the licensee.
- (1) The notice of return of the salesperson's license shall state that upon return of the licensee's license to the division, the license will be automatically placed in an inactive status and that the superintendent may reactivate the license pursuant to the reactivation requirements of rule 1301:5-1-19 of the Administrative Code. A salesperson's license may remain in an inactive status indefinitely provided the salesperson complies with section 4735.14 of the Revised Code.
- (2) The notice for return of a broker's license to the division shall state that, upon return of the broker's license to the division, the license will automatically be placed on deposit and that the superintendent may reactivate the license pursuant to the reactivation requirements of rule 1301:5-1-19 of the Administrative Code. A broker's license may remain on deposit with the division indefinitely provided the broker complies with paragraph (B) of rule 1301:5-1-07 of the Administrative Code.
- (3) Failure to give such notice to the licensee herein prescribed may be deemed to be evidence of misconduct in violation of division (A)(6) of section 4735.18 of the Revised Code.
- (B) Upon receipt of a written request from the superintendent or an affiliated licensee, a principal broker shall immediately return the license of an affiliated licensee. Failure to return the license within three days of the date of the superintendent's written request may be deemed to be evidence of misconduct in violation of division (A)(6) of section 4735.18 of the Revised Code.
- (C) Pursuant to division (H) of section 4735.13 of the Revised Code, prior to filing a transfer application with the division, the licensee shall provide written notice, via hand delivery, mail, facsimile or email to the principal broker, with which the licensee is currently affiliated, that the licensee intends to make application to transfer the licensee's license to another brokerage. The licensee shall certify on the licensee's transfer application that such written notice has been provided to the principal broker and that the written notice is available for review by division personnel upon request.
- (D) Pursuant to division (H) of section 4735.13 of the Revised Code, the superintendent may process a licensee's application to transfer from one brokerage to another brokerage, without the return of the licensee's license to the superintendent, if the licensee ~~certifies on the application for transfer that the licensee has provided the brokerage written notification of intent to transfer to another brokerage.~~ provides the certification identified in (C) of this rule.

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1301:5-1-09 Fees by rules.

Fees other than those established by Chapter 4735. of the Revised Code shall be as follows:

- (A) A twenty-five dollar fee for replacement of any license where:
 - (1) The original license issued by the commission has been lost or spoliated;
 - (2) The original license issued by the commission, in the opinion of the licensee, lacks aesthetic value due to wear and tear or obsolescence;
 - (3) The broker requests the addition of a business name or change in a business name.
- (B) A ~~thirty-four~~ ~~twenty-five~~ dollar fee for reactivation of an inactive salesperson's license or a ~~thirty-four~~ ~~twenty-five~~ dollar fee for a broker's license on deposit.
- (C) A twenty-five dollar fee for a name change for an individual, corporation, partnership, limited liability company, limited liability partnership or association license.
- (D) A twenty-five dollar fee for licensure certification of an individual, corporation, partnership, limited liability company, limited liability partnership or association license.
- (E) A ten-dollar fee to reserve a name for an individual, corporation, partnership, limited liability company, limited liability partnership or association.
- (F) The aggregate fee charged for a name change for an individual, corporation, partnership, limited liability company, limited liability partnership or association license as referenced in paragraph (C) of this rule shall not exceed six thousand dollars.
- (G) The Ohio real estate commission may require the use of a cashier's check, certified check or money order in connection with the payment of any monies or fees due or owed to said commission.

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1301:5-1-12 Open public meetings.

- (A) Any person may ascertain the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings by:
- (1) Writing to the following address - "Ohio Real Estate Commission, Division of Real Estate and Professional Licensing, 6606 Tussing Road PO Box 4008 Reynoldsburg, OH 43068~~77 South High Street, 20th floor, Columbus, Ohio 43215-6133~~";
 - (2) Calling the following telephone number during normal business hours - 614-466-4100; or
 - (3) Accessing the division of real estate and professional licensing web site.
- (B) Any person may receive notice of all meetings of the Ohio real estate commission. The superintendent shall maintain a list of all persons who have requested such notification. Any person wishing to receive notification shall submit the request in writing. Requests shall:
- (1) Be sent to the address given in paragraph (A)(1) of this rule or by electronic mail to WebReal@com.state.oh.us or such other address as may from time to time be published on the division's web site.
 - (2) State that the requestor wishes to be notified of all public meetings of the commission or those at which specific topics stated by the requestor are to be discussed.
 - (3) Provide the requestor's electronic mail address or mailing address.
 - (4) State if the requestor is a media representative who wishes to be notified of special meetings pursuant to division (F) of section 121.22 of the Revised Code. If a media representative requests notice of special meetings the media representative shall also provide no more than two telephone numbers at which they may be reached.
- (C) The superintendent shall provide a notice to all persons on the notification list at least five calendar days before each regularly scheduled meeting of the board.

The superintendent shall make all reasonable effort to provide notice of all special meetings in compliance with division (F) of section 121.22 of the Revised Code.

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1301:5-1-19 License reactivation and renewal.

(A) A licensee may reactivate:

- (1) An inactive license or suspended license upon submission of an application prescribed by the superintendent and the reactivation fee, as required by section 4735.15 of the Revised Code, provided that:
 - (a) The licensee is in compliance with all continuing education requirements pursuant to section 4735.141 of the Revised Code and post licensure education requirements pursuant to sections 4735.07 and 4735.09 of the Revised Code;
 - (b) The license has been properly renewed as required in section 4735.14 of the Revised Code; and
 - (c) In the case of a disciplinary suspension, the licensee has complied with all of the conditions of the discipline as ordered by the commission.
- (2) A license that was inactive due to military service upon submission of an application prescribed by the superintendent, payment of the reactivation fee, as required by section 4735.15 of the Revised Code, and upon presentation of satisfactory evidence of honorable discharge or separation under honorable conditions therefrom within six months of such discharge or separation. The licensee will be required to timely file both a renewal and continuing education on or before the dates required by section 4735.13 of the Revised Code.
- (3) A license that was suspended pursuant to division (C) of section 4735.13 of the Revised Code upon submission of an application prescribed by the superintendent; the reactivation fee, as required by section 4735.15 of the Revised Code; provided that:
 - (a) The licensee is in compliance with all education requirements pursuant to section 4735.141 of the Revised Code and post-licensure education requirements pursuant to sections 4735.07 and 4735.09 of the Revised Code;
 - (b) The license has been properly renewed as required in section 4735.14 of the Revised Code;
 - (c) In the case of a disciplinary action taken by the commission, has complied with all the conditions of the discipline as ordered by the commission; and
 - (d) The licensee presents satisfactory evidence that the licensee's activities since the conviction show that the licensee is honest, ~~truthful, and of good reputation~~ and truthful.

(B) In any case, the superintendent may deny any application where the superintendent determines the applicant is not ~~of honest, or truthful or good reputation~~, the applicant has been adjudicated incompetent, the applicant has been convicted of a felony, a crime involving moral turpitude, a violation of section 4735.18 of the Revised Code for which the licensee failed to fulfill an order of the real estate commission or of any municipal, state, or federal civil rights law, and the provisions of division (B) of section 4735.07 or division (F) of section 4735.09 of the Revised Code have not been satisfied.

(C) A license shall be revoked for the failure of a licensee to reactivate a suspended license within twelve months of the date of the suspension of the license.

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- (D) The superintendent shall provide a licensee suspended for failing to renew pursuant to section 4735.14 of the Revised Code notice of pending license revocation, no later than sixty days prior to revocation, and specify in such notice the date the license will be revoked, the reason for pending license revocation and the procedure by which the licensee may reactivate the license. Such notices shall be sent by regular mail or electronic mail to the licensee's home or electronic mail address as provided by division (B) of section 4735.14 of the Revised Code.
- (E) If a licensee has a sales and broker license, a licensee shall pay the renewal fee as set forth for the license which is active at the time the licensee renews. If the licensee's broker and sales licenses are both inactive, then the licensee shall pay the renewal fee for the broker license.

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1301:5-1-23 Criminal records checks.

- (A) Upon initial application, pursuant to section 4735.143 of the Revised Code, or within ~~Within~~ ten days of the date of a request from the superintendent, an applicant or licensee shall submit fingerprints to the Ohio bureau of criminal identification and investigation [BCI&I] using a method authorized by BCI&I for a criminal records check pursuant to division (C)(4) of section 4735.05 of the Revised Code and submit the results to the division of real estate and professional licensing within thirty days of the date of the request. The applicant or licensee shall pay any required fee and direct that the results to be transmitted to the division of real estate and professional licensing.
- (B) Failure to timely comply with the superintendent's request may be considered prima facie evidence of a violation by a licensee of division (A)(6) of section 4735.18 of the Revised Code or, in the case of an applicant for licensure, may constitute just cause for the superintendent to close the applicant's file and impose a forfeiture of any application fee pursuant to division (B) of sections 4735.06 and 4735.09 of the Revised Code.

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1301:5-5-01 Statement to be displayed in brokerage office and included in information pamphlets.

Every real estate brokerage office shall prominently display a statement in the same immediate area as licenses are displayed which in effect states the following:

- (A) The broker and sales associates are licensed by the division of real estate, Ohio department of commerce. It is illegal, pursuant to the Ohio fair housing law, division (H) of section 4112.02 of the Revised Code, and the Federal Fair Housing Law, 42 U.S.C.A. 3601, (1988), to refuse to sell, transfer, assign, rent, lease, sublease, or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of race, color, religion, sex, familial status as defined in section 4112.01 of the Revised Code, ancestry, military status as defined in that section, disability as defined in that section, or national origin or to so discriminate in advertising the sale or rental of housing; in the financing of housing, or in the provision of real estate brokerage services, and that the practice of blockbusting is also illegal. The division may be contacted for inquiries and complaints and for information on the real estate recovery fund (section 4735.12 of the Revised Code) as a source of satisfaction of court judgments against licensees of the division.
- (B) The statement shall be printed or electronically displayed in bold type and shall be at least ~~eight~~ eleven inches by ~~ten~~ fourteen inches in size. It shall also include the address and telephone number of the offices of the Ohio division of real estate and shall bear the equal housing logo of the United States department of housing and urban development.
- (C) The pamphlet required under section 4735.03 of the Revised Code may be electronic or printed. When printed, it shall be at least four inches by eight inches in size and shall contain, as well as information on housing and remedies available to dissatisfied clients, the statement provided above, including on the front of the pamphlet below the title the following:
- "Provided By Ohio Real Estate Commission"
- (D) The names of the commission members and the address and telephone number of the division may change from time to time. Pamphlets not reflecting the appropriate information may be used without violating this rule and as new pamphlets are printed, the appropriate changes shall be made. Displayed statements not reflecting the appropriate division address or telephone number shall be replaced within a reasonable time after the appropriate information is available.

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1301:5-7-03 Criteria for course approvals.

- (A) Continuing education courses shall be completed in seminars, schools, and educational institutions which are not limited to institutions providing two-year or four-year degrees but may include qualifying public or private schools, firms, associations, organizations, individuals, corporations, or similar arrangements and must be successfully completed after the effective date of this rule.
- (B) An applicant for initial course approval, additional course offerings of an approved course, or renewal of a course approval shall apply to the division for approval on the appropriate form prescribed by the division along with the nonrefundable fee in accordance with rule 1301:5-7-06 of the Administrative Code. The initial application form and fee must be submitted to the division at least forty-five days prior to the proposed initial date of the offering.
- (C) An initial course approval shall be valid for the calendar year in which the course was approved. Re-certification of a course approval shall be filed with the division no later than December thirty-first of the calendar year of initial approval and every year thereafter on forms prescribed by the division along with the nonrefundable fee in accordance with rule 1301:5-7-06 of the Administrative Code. Any re-certification for a course approval filed after January thirty-first shall be considered an initial application course and require approval through the submission of a course application along with the nonrefundable fee in accordance with rule 1301:5-7-06 of the Administrative Code. A new application for an approved course shall be submitted every three years.
- (D) Upon notice from the division that an application for initial course approval or additional course offering is incomplete or incorrect as filed, the applicant shall within thirty days of the date of the division's notice of deficiency, submit to the division a corrected application or the additional information requested. Failure to timely submit such corrected application or additional information shall constitute just cause for the application to be withdrawn and the superintendent to impose a forfeiture of the application fee.
- (E) The division, when acting on an application for approval of an offering, will consider, but not be limited to, the following criteria:
 - (1) Information included on the application form:
 - (a) Name, address, telephone number, electronic mail address and, if applicable, website address of entity;
 - (b) Policy regarding attendance and procedure for recordkeeping of attendance;
 - (c) Summary of offering, including, but not limited to:
 - (i) Title of offering;
 - (ii) Maximum number of participants;
 - (iii) Type of training: seminar, conference, course, other;
 - (iv) Proposed initial date of offering;
 - (v) Prerequisite for admission and/or participation, if any;
 - (vi) Duration in time of offering;

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- (vii) Form of attendance certificate;
- (viii) Method of record maintenance;
- (ix) Textbooks and student materials prescribed;
- (x) Sample of proposed advertising, if any;
- (xi) Outline or syllabus;
- (xii) Attendance or participation fees;
- (xiii) Location of offering;
- (d) Personal data indicating names and qualification of teachers and instructors as required by rule 1301:5-7-04 of the Administrative Code;
- (e) Such other information as the Ohio real estate commission or superintendent may request.
- (F) No offering will be approved in which instruction is less than one classroom hour or exceeds more than eight classroom hours in any one day.
- (G) Each provider shall notify the division on the appropriate form proscribed by the division at least fifteen days in advance of the addition of an offering date for an approved course or change in an offering date for an approved course. Each provider shall notify the division in writing at least three days in advance of all course content changes, all changes of location(s), time(s) or instructor(s). A fee in accordance with rule 1301:5-7-06 of the Administrative Code shall also be submitted. The superintendent shall have the discretion to waive the advance notification requirements upon good cause shown.

Changes to an already approved course making up more than one-third of the course hours shall be considered a new course and the provider shall be required to file for an initial course approval along with the appropriate application form and the fee in accordance with rule 1301:5-7-06 of the Administrative Code.
- (H) The division may approve course offerings for continuing education in only the following areas:
 - (1) Real estate ethics;
 - (2) Legislative issues that influence real estate practice;
 - (3) Real estate laws and regulations, including licensing provisions, regulatory practices, and attendance at a full monthly meeting of the Ohio real estate commission;
 - (4) Advanced real estate financing, including mortgages and other financing techniques;
 - (5) Real estate market measurement and evaluation, including site evaluations, market data, and feasibility studies;
 - (6) Real property management, including leasing agreements, accounting procedures, and management contracts;
 - (7) Land use planning and zoning;

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- (8) Real estate securities and syndication;
- (9) Accounting and taxation as applied to real property;
- (10) Land and community development and revitalization;
- (11) Advanced real estate appraising;
- (12) Real estate marketing procedures related specifically to actual real estate knowledge;
- (13) Timeshares, condominiums and cooperatives;
- (14) Brokerage office management;
- (15) Use of technology and/or internet marketing as applied to the practice of real estate;
- (16) Business administration, including but not limited to, business operations management, human resources management and business taxation;
- (17) Personal safety issues for the real estate agent and consumer;
- (18) Real estate negotiation, general negotiation and real estate business and marketing communication; and
- (19) Cultural diversity as applied to the practice of real estate.

(I) A salesperson or broker may receive up to three hours of Core Law credit, per continuing education cycle, for working for a county board of elections as a Precinct Election Official on election day. The continuing education credit is subject to the following requirements:

(1) Download of the Precinct Election Official (PEO) form. Such form as prescribed by the Division and found on the Division's website;

(2) Completion of the PEO form and certification on Election day by the Presiding Judge; and

(3) Submission of the completed PEO form to the Division of Real Estate via email to webreal@com.ohio.gov.

(J) A salesperson or broker may receive up to three hours of Core Law credit, per continuing education cycle, for attending a monthly Ohio Real Estate Commission meeting. The continuing education credit is subject to the following requirements:

(1) The licensee signs in and out of the meeting on the prescribed attendance sheet; and

(2) The licensee attends for the duration of the meeting or for three hours of the meeting.

~~(H)~~ (K) The division shall not approve or grant credit for continuing education for the following types of courses:

- (1) Examination preparation courses;
- (2) Offerings in mechanical office and business skills including, but not limited to, typing, speed reading, memory improvement, language, and report writing;
- (3) Sales promotion or other meetings held in conjunction with the general business of the attendee or the attendee's business associates;

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- (4) Meetings which are a normal part of in-house staff training;
- (5) The portion of any offering devoted entirely to meals or other refreshment or during which the course instruction is recessed or suspended; and
- (6) Correspondence courses or distance education not in compliance with rule 1301:5-7-04 of the Administrative Code.

~~(J)~~ (L) Each continuing education course shall be open to all real estate licensees.

~~(K)~~ (M) A provider may offer its members a reasonable reduction in the fees it charges for a course provided that the reduction does not exceed the following:

- (1) For a course costing non-members twenty dollars or less, a reduction of up to one hundred per cent; and
- (2) For a course costing non-members over twenty dollars, a reduction of not more than fifty per cent.

~~(L)~~ (N) The division shall keep a current list of approved continuing education courses which shall be available to licensees and the public.