

## **FEBRUARY 2023**

**RAMI A AHMAD (2023)** salesperson, Strongsville, Ohio had his license suspended for 3 days, was required to pay a \$500.00, and was required to complete 3 hours of education in the area of core law and 3 hours of additional education in the area of ethics when he allowed or permitted his clients access to the subject property without the escort of a real estate licensee when he provided his clients with the subject property's lockbox combination and provided this access or lockbox combination to his clients without prior approval from the subject property's owner or the owner's agent. This conduct is a violation of Ohio Revised Code Section 4735.18(A)(6), misconduct, as that section incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1, a failure to maintain high standards of professional conduct and integrity in dealings with members of the public as well with fellow licensees and/or a failure to avoid the appearance of impropriety in any activities as a licensee.

**ANGELA M DETROW (2023)** salesperson, Columbus, Ohio was required to pay a \$500 fine and complete 3 hours of additional education in the area of ethics when she violated ORC 4735.18(A) for being convicted to Improper Handling of Firearms in a Motor Vehicle, a felony in the fourth degree, in the Franklin County Court of Common Pleas on or about June 29, 2021.

**GLORIA J KUSTA (2023)** salesperson, Hudson, Ohio was required to pay a \$250 fine and complete 3 hours of additional education in the area of core law and 3 hours of additional education in the area of ethics when she, from October 29, 2019-November 15, 2019, offered the subject property for sale without the knowledge or consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent in violation of ORC 4735.18(A)(20).

**PAUL F POKRYFKY (2023)** salesperson, Stow, Ohio was required to pay a \$500 fine and complete 3 hours of additional education in the area of core law and 3 hours in the area of ethics when he, from October 29, 2019-November 15, 2019, offered the subject property for sale without the knowledge or consent of the owner or the owner's authorized agent, or on any terms other than those authorized by the owner or the owner's authorized agent in violation of ORC 4735.18(A)(20).

## **MARCH 2023**

**BASAM M AKKAWI (2023)** salesperson, Cincinnati, Ohio was required to pay a \$500 fine and complete 3 hours of additional education in the area of core law in an agency-specific course, 3 hours in the area of ethics, and the 20-hour post-salesperson licensing course when he failed to present the agency disclosure statement to the seller and request the seller to sign and date the statement prior to presenting the seller with a written purchase offer in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct, as that section incorporates Ohio Revised Code Section 4735.58(A)(1). In the alternative, he failed to maintain a copy of the completed agency disclosure form executed by the seller in violation of Ohio Revised Code Section 4735.18(A)(24).

**ATTA J ASEF (2023)** salesperson, Bentleyville, Ohio had his license revoked when he submitted false, misleading or incomplete information to the Division on a license application received by the Division on or about September 12, 2017 or on or about September 22, 2017 regarding his ethical conduct and legal history in violation of ORC 4735.18(A)(8).

**ONPOINT PROPERTY TECH, INC. (2023)**, broker, Lewis Center, Ohio was required to pay a \$2,500 fine when it: On or about February 27, 2020 through January 25, 2021, engaged in misleading advertising by advertising a brokerage office at a location not registered with the Division in violation of Ohio Revised Code Section 4735.18(A)(21) and/or Ohio Revised Code Section 4735.18(A)(6), misconduct; on or about December 13, 2019, through January 24, 2020, it engaged in misleading advertising when it advertised under the names ColumbusRealEstatePros.com and/or PropertyManagementPros.com when it was licensed as OnPoint

Property Tech, Inc. in violation of Ohio Revised Code Section 4735.18(A)(21) and/or Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Ohio Administrative Code Section 1301:5-1-02(C)( I); from on or about November 14, 2019, through January 23, 2020, it failed to maintain a company policy for types of agency relationships that included the information required by Ohio Administrative Code 1301:5-6-03(A)(3), (A)(4), (A)(5) & (A)(6) in violation of Ohio Revised Code Section 4735.06, misconduct as that section incorporates Ohio Administrative Code Section 1301:5-6-03 or failed to provide this document to the Division in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics for the Real Estate Industry Section I, Article 3; and, from on or about November 14, 2019, through on or about January 23, 2020, it failed to maintain a "special" or "trust" bank account separate and distinct from any personal or other account of the broker to be used for the deposit and maintenance of all escrow funds and other moneys received by the broker in a fiduciary capacity related to the sale of property in violation of Ohio Revised Code Section 4735.18(A)(26).

**KENNETH J POLKE (2023)**, salesperson, Ashtabula, Ohio had his license revoked when he submitted false, misleading or incomplete information to the Division on a license application received by the Division on or about September 4, 2019 regarding his ethical conduct and legal history in violation of ORC 4735.18(A)(8).

**BENJAMIN D SHAFER (2023)**, broker, Caldwell, Ohio was required to pay a \$2,500 fine and complete 3 hours of additional education in the area of core law in an agency-specific course and 3 hours in the area of ethics when he did the following: On or about July 9, 2018, he entered into an exclusive authorization to sell contract which failed to include the amount for which the subject properties could be sold in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct and/or Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Section II, Article 9 of the Canons of Ethics for the Real Estate Industry, which states licensees, for the protection of all parties, should see that financial obligations and commitments regarding real estate transactions are in writing, expressing the exact agreement of the parties, and that copies of all agreements, at the time they are executed, are placed in the hands of all parties involved; on or about August 25, 2018 through on or about October 3, 2018, he provided a key to the house on the subject property to the buyer which resulted in the buyers' unsupervised entry or access to the house in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct, as that section incorporates Section I, Article 1 of the Canons of Ethics for the Real Estate Industry; from on or about July 9, 2018 through on or about October 3, 2018, with respect to the fair housing language of his exclusive authorization to sell real estate at auction agreement, failed to include "military status", failed to include "sex", used the term "handicap" instead of "disability", and cited to 4735.552 of the revised code instead of 4112.02 in violation of Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.55(A)(2); and on the agency disclosure statement signed on or about August 25, 2018, by the buyer, he indicated that he was the only real estate agent involved in the transaction, but he failed to indicate on the statement if he was a dual agent or if he was representing only one party in the transaction in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Ohio Revised Code Section 4735.58(A)(2) by operation of Ohio Revised Code Section 4735.58(C).

**TLS PROPERTY MANAGEMENT (2023)**, unlicensed entity, Austin, Texas, was ordered to pay a \$2,630 civil penalty when it for another, for a fee, commission, or other valuable compensation or the expectation of a fee, commission, or other compensation did one or more of the following: Rented, or leased, or negotiated the rental, or leasing of any real estate; offered, attempted, or agreed to negotiate the rental or leasing of any real estate; and/or operated, managed, or rented, or offered or attempted to operate, manage, or rent, other than as custodian, caretaker, or janitor, any building or portions of buildings to the public as tenants. This constitutes up to 263 violations of Ohio Revised Code Section 4735.02, which provides that no person, partnership, association, limited liability company, limited liability partnership, or corporation shall advertise, act, or assume to act as a real estate broker or real estate salesperson, without first being licensed under Ohio Revised Code Chapter 4735.

## MAY 2023

**ANDREA M ROMITO (2023)**, unlicensed person, Stow, Ohio was ordered to pay a \$1,000 civil penalty when she for another, for a fee, commission, or other valuable compensation or the expectation of a fee, commission, or other compensation and showed the subject property to prospective buyers. Ms. Romito was unescorted by a real estate licensee and was given the lockbox code without authorization from the subject property's owner or his agent. The conduct constitutes 1 day of violations of Ohio Revised Code Section 4735.02, which provides that no person, partnership, association, limited liability company, limited liability partnership, or corporation shall advertise, act or assume to act as a real estate broker or real estate salesperson, without first being licensed under Ohio Revised Code Chapter 4735.

**DOUGLAS P ANNIS (2023)**, management-level broker, Cincinnati, Ohio was required to pay a \$500 fine and complete 3 hours of additional education in the area of broker responsibility and 3 hours in the area of ethics when he failed to notify another licensee in writing within 3 business days that he was returning his license to the Division in violation of ORC 4735.18(A)(6), as it incorporates Ohio Administrative Code 1301:5-1-06.

**FADIA RAWAS (2023)**, salesperson, Cincinnati, Ohio was required to pay a \$250 fine and complete 3 hours of additional education in the area of core law and 3 hours in the area of ethics when she failed to present the agency disclosure statement to one or more of the sellers and request that they sign and date the statement prior to presenting the sellers with a written purchase offer in violation of ORC 4735.18(A)(6) misconduct as that section incorporates ORC 4735.58(A)(1) or, in the alternative, failed to maintain a copy of the completed agency disclosure statement executed by the sellers in violation of ORC 4735.18(A)(24).

**KELSEY M BROWN (2023)**, salesperson, Painesville, Ohio was required to pay a \$250 fine and complete 3 hours of additional education in the area of core law in an agency-specific course when she indicated an inaccurate agency relationship on the agency disclosure statement when she indicated that she was the only real estate agent involved in the transaction and only represented the seller in violation of Ohio Revised Code Section 4735.18(A)(6) misconduct as that section incorporates Ohio Revised Code Section 4735.58(A)(2) by operation of Ohio Revised Code Section 4735.58(C).

**LEONARD E KOOGLER (2023)**, principal broker, Williamsburg, Ohio was required to do the following: complete a 10 hour post-broker course and his license was suspended for 30 days for Count 1; complete 3 hours of additional education in the area of ethics and his license was suspended for 30 days to be served consecutively with Count 1 for Count 2; complete 3 hours of additional education in the area of core law and his license was suspended for 30 days to be served consecutively with Counts 1 and 2 for Count 3; his license was suspended for 15 days for Count 4 to be served consecutively with Counts 1 through 3; and his license was suspended for 15 days for Count 5 to be served consecutively with the other counts when he did the following: On or about May 26, 2017, he altered or changed a listing agreement for the subject property after the agreement was signed by the seller when he did one of more of the following: He added the day and month to the "expiration date" for the agreement; he added the day and month to the date of the agreement (on page one of the agreement); he changed the date adjacent to the seller's initials on the agreement from May 8, 2017 to May 26, 2017; and/or he changed the date adjacent to the seller's signature on the agreement in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Section I, Article I for the Canons of Ethics for the Real Estate Industry or violated Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Section I, Article 2 for the Canons of Ethics for the Real Estate Industry; on or about May 26, 2017, he altered or changed the "New Listing Validation Addendum to the Listing Agreement" after this document was signed by the seller when he changed the date of signature by the seller in violation Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Section I, Article I for the Canons of Ethics for the Real Estate Industry or in violation Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Section I, Article 2 for the Canons of Ethics

for the Real Estate Industry; in the "New Listing Validation Addendum to the Listing Agreement", he failed to obtain the seller's initials for the change to the expiration date from August 8, 2017 to December 31, 2017 in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Section I, Article I for the Canons of Ethics for the Real Estate Industry or Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Section I, Article 2 for the Canons of Ethics for the Real Estate Industry; on or about May 26, 2017, he altered or changed the "Quality Service Guarantee" after this document was signed by the seller when he changed the date of signature by the seller in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Section I, Article 1 for the Canons of Ethics for the Real Estate Industry or Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Section I, Article 2 for the Canons of Ethics for the Real Estate Industry; and, on or about April 25, 2017, he provided the seller a listing agreement for the subject property that failed to contain a definite expiration date for the listing period in violation of Ohio Revised Code Section 4735.18(A)(28).

**RORY J FLYNN (2023)**, salesperson, Cleveland, Ohio had his license suspended for 24 months when he was convicted of two counts of trafficking, each a felony in the third degree, on or about July 20, 2022 in the Cuyahoga County Court of Common Pleas in violation of ORC 4735.18(A).

**SHAWN J DOSTIE (2023)**, salesperson, Coshocton, Ohio was required to pay a \$500 fine and complete 3 hours of additional education in the area of core law, 3 hours in the area of core law in an agency-specific course, and 3 hours in the area of ethics when he advertised the subject property for sale on or about February 25, 2020 even though his written listing agreement for the subject property expired on or about January 22, 2020 in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct, as that section incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article I or Ohio Revised Code Section 4735.18(A)(20), and he included in this Facebook advertisement a reference he was associated with "Gryphon Realty" when his Ohio real estate salesperson license was associated with Ben Schafer Realty in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct, as that section incorporates the Canons of Ethics for the Real Estate Industry Section I, Article 1.

**TYLER H WARNER (2023)**, salesperson, South Bloomfield, Ohio had his license revoked when he was convicted of Conspiracy to Distribute and Possess with Intent to Distribute Hashish Oil, a felony, in the United States District Court for the Southern District of Ohio on or about July 7, 2022 in violation of ORC 4735.18(A).

## **JUNE 2023**

**ANDREW J WERTZ (2023)**, principal broker, Kettering, Ohio was required to pay a \$1,000 fine and complete 3 hours of additional education in the area of core law in a property management course and the 10-hour post-broker licensing course when he, from on or about March 20, 2017, through July 1, 2019 he failed to amend the lease agreement or otherwise reduce his agreement with the tenant of the subject property to writing concerning the water utility payment and reimbursement in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Section II, Article 9 of the Canons of Ethics for the Real Estate Industry and/or Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Section I, Article I of the Canons of Ethics for the Real Estate Industry; from on or about March 20, 2017, through July 1, 2019, he failed to include all parties from whom deposits were received on the property management ledger required to be maintained by Ohio Administrative Code 1301:5-5-11(C) in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Ohio Administrative Code 1301:5-5-11(C); from on or about February 10, 2019, through July 1, 2019, he failed to include all methods of receipt for deposits on the property management ledger required to be maintained by Ohio Administrative Code 1301:5-5-11(C) in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Ohio Administrative Code 1301:5-5-11(C); and, from on or about March 20, 2017, through July 1, 2019, he provided, entered into or maintained a property management agreement that did not contain a definite expiration date in violation of Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section

4735.55(A)(1) and/or in violation of Ohio Revised Code Section 4735.18(A)(28).

**PAUL J WAGNER (2023)**, management-level salesperson, Upper Sandusky, Ohio was required to pay a \$2,000 fine and complete 3 hours of additional education in the area of ethics and the 20-hour post-salesperson licensing course when he was convicted of two counts of Forgery, a felony in the fifth degree and a felony in the fourth degree, respectively, on or about February 1, 2021 in violation of ORC 4735.18(A).

### **AUGUST 2023**

**ANDREW G PAL (2023)**, salesperson, Parma, Ohio had his license suspended for 3 days, was required to pay a \$1,500 fine, and was required to complete 3 hours of additional education in the area of core law for Count 1, was required to pay a \$500 fine and complete 3 hours in the area of agency for Count 3, and pay a \$500 fine and complete 3 hours in the area of fair housing for Count 4 when he failed to ensure the earnest money was provided within the timeframe specified in the contract and/or failed to timely notify the sellers that the earnest money had not been provided within the timeframe specified in the contract in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct, failed to provide the consumer guide to agency to his clients, the sellers, or, in the alternative, failed to obtain the required acknowledgment of receipt of the consumer guide to agency from his clients, the sellers, or note on that policy that the sellers refused to provide a signature in violation of Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.56(C) and/or Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Ohio Administrative Code Section 130I:5-5-05(D), and provided, executed or entered into a listing agreement that did not contain correct fair housing language as required in R.C. 4735.55(A)(2) in violation of Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.55(A)(2).

**ANGELA M DETROW (2023)**, salesperson, Columbus, Ohio had her license revoked and was required to pay all fines and fees owed to the Division in the amount of \$907.00 when she did the following: Failed to ensure the earnest money she collected in relation to the sale of the subject property was deposited into the brokerage trust account pursuant to the terms in the purchase contract in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct; failed to return approximately \$1970 to her client upon the termination of the purchase contract in violation of Ohio Revised Code Section 4735.18(A)(5), which was a failure within a reasonable time to account for or to remit any money coming into the licensee's possession which belongs to others and/or Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics for the Real Estate Industry Section I, Article 1; failed to notify the Superintendent of a change in personal residence address within thirty days after the change of location in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Ohio Revised Code Section 4735.14(D); and, during the Division's investigation of case number 2021-965, she failed to cooperate or provide assistance to the Division by doing one or more of the following: failing to provide a response to the Division's notice of complaint; failing to provide the documents requested in the subpoena dated October 7, 2021; and failing to respond to Division Counsel Well's verbal request for an updated address in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct. as that section incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 3, which provides that a licensee should provide assistance wherever possible to the members and staff of the Real Estate Commission and Division of Real Estate in the enforcement of the licensing statutes and administrative rules and regulations.

**BRIAN J SALVATORE (2023)**, salesperson, Mentor, Ohio had his license revoked when he, from on or about April 29, 2021 through on or about September 10, 2021, during the Division's investigation of case number 2021-445, failed to provide assistance to the Division by failing to provide the documentation requested in the notice of complaint and information request checklist in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 3, which provides that a licensee should provide assistance wherever possible to the members and staff of the Real Estate Commission and Division of Real Estate in the enforcement of the licensing

statutes and administrative rules and regulations, and during the Division's investigation in case number 2021-445, he failed to obey or timely respond to a subpoena dated August 24, 2021, that was issued by the Superintendent of the Division of Real Estate and Professional Licensing pursuant to Ohio Revised Code Section 4735.04, in violation of ORC 4735.18(A)(6), misconduct, as it incorporates OAC 1301:5-1-13, which reads: "Evidence that a licensee has failed to obey a subpoena issued pursuant to section 4735.04 or Chapter 119, of the Revised Code shall constitute prima facie evidence of misconduct and shall constitute a violation of division (A)(6) of section 4735.18 of the Revised Code."

**DAYNA A EDWARDS (2023)**, salesperson, Dalton, Ohio had her license suspended for 25 days and was required to pay a \$2,500 fine and complete the 20-hour post-salesperson licensing course when she did the following: Attempted to pressure, compel or coerce an individual to execute a legal document and/or retaliated against him for his failure to execute a legal document, specifically an easement agreement, by doing one or more of the following: Calling him at his place of business in an attempt to persuade him to execute the agreement; going to his place of business with the documentation after being hung up on by him; refusing to leave his place of business after being asked by staff; sticking your middle finger at the cameras in his place of business; incorrectly indicating the documentation was simply a name change to an already existing easement; making a Facebook post claiming him was a "monster" for not executing the agreement; and making a Facebook post stating he was "unpatriotic. There is no other reason as to not sign this easement name change." This all constituted a violation of Ohio Revised Code Section 4735.18(A)(6), misconduct, and/or Ohio Revised Code Section 4735.18(A)(6) misconduct as that section incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1.

**KATHERINE B FORD (2023)**, salesperson, Ironton, Ohio was required to pay a \$300 fine and complete 3 hours of additional education in the area of core law when she failed to obtain the signatures of the sellers of the subject property to the agency disclosure statement in violation of ORC 4735.18(A)(9) as that section incorporates ORC 4735.58(A)(1).

**PHYLLIS M HALL (2023)**, salesperson, Eaton, Ohio had her license suspended for 3 days and was required to pay a \$1,000 fine and complete 3 hours of additional education in the area of ethics and 3 hours in core law when she allowed access to the subject property to unlicensed persons without prior authorization from the seller of the subject property or the seller's agent and without a licensee escort when she allowed a potential buyer, her client, and a septic inspector to enter the subject property for purposes of a septic inspection in violation of ORC 4735.18(A)(6), which is dishonest or illegal dealing, gross, negligence, incompetency, or misconduct and misconduct as that section incorporates the Canons of Ethics for the Real Estate Industry Section I, Article 1, and/or failed to provide a signed Agency Disclosure Statement to the seller's agent when she made any offer on behalf of her clients. the prospective buyers. in violation of ORC 4735.18(A)(6), as it incorporates ORC 4735.58(A)(1), which provides a licensee who is the purchaser's agent shall deliver the statement signed by the purchaser to the seller's agent at the time of the offer.

### **SEPTEMBER 2023**

**DALE A ANDERSON II (2023)**, salesperson, North Royalton, Ohio had his license revoked when he initiated a showing request for the subject property, entered the property with another individual, and engaged in sexual relations or sexually related conduct with the other individual in violation of ORC 4735.18(A)(6) misconduct as it incorporates the Canons of Ethics for the Real Estate Industry Section I, Article 1.

**DONATO D CARRERO (2023)**, salesperson, Lorain, Ohio was required to pay a \$250 fine and complete 3 hours of additional education in the area of core law and 3 hours of ethics when he failed to timely consult with his buyer/client about his contractual responsibilities regarding his earnest money deposit with the escrow agent in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct or Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1, and failed to timely communicate with the listing agent for the subject property that his client, the buyer, had failed to

timely deposit his earnest money deposit with the escrow agent in compliance with the subject property's purchase contract in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct or Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1.

**JAMES S MILLS (2023)**, salesperson, Tallmadge, Ohio was required to pay a \$250 fine and complete the 20-hour post-salesperson licensing course when he failed to provide the parties a contemporaneous offer disclosure prior to preparing or presenting a contemporaneous offer in violation of ORC 4735.18(A)(9) as it incorporates ORC 4735.65 and disclosed confidential information of the Complainant to another agent when Complainant had not requested to be referred to another licensee in violation of ORC 4735.18(A)(6) misconduct and/or ORC 4735.18(A)(6) misconduct as it incorporates the Canons of Ethics for the Real Estate Industry, Section I, Article 1.

**JAMES D EIKENBERRY (2023)**, salesperson, Powell, Ohio had his license suspended for 5 days and was required to pay a \$750 fine and complete 3 hours of additional education in the area of ethics and 3 hours of core law when he failed to disclose a sewage leak in the basement of the subject property which he had actual knowledge of to the buyer or the buyer's agent as well as failed to request that his client, the seller, disclose discovery of the sewage leak prior to closing and revise the Residential Property Disclosure Form accordingly in violation of ORC 4735.18(A)(9) as it incorporates ORC 4735.67(A), which requests a licensee to disclose to any purchaser all material facts of which the licensee has actual knowledge pertaining to the physical condition of the property that the purchaser would not discover by a reasonably diligent inspection, including material defects in the property.

**JOSEPH C GIROLAMO (2023)**, salesperson, Troy, Ohio had his license suspended for 4 days and was required to pay a \$1,200 fine and complete 3 hours of additional education in the area of ethics and 3 hours of core law when he did the following: Failed to include an expiration date in the listing agreement for the subject property in violation of ORC 4735.18(A)(6), which is dishonest or illegal dealing, gross negligence, incompetency, or misconduct as that section incorporates ORC 4735.55(A)(1), which requires an expiration date to the listing agreement; failed to obtain the seller's signature, his client, to the Residential Property Disclosure Form or the Lead-Based Paint Disclosure form at any time during his representation of the seller or noting on said forms that the seller refused to sign in violation of ORC 4735.18(A)(6), which is dishonest or illegal dealing, gross negligence, incompetency, or misconduct as it incorporates ORC 4735.62(A), which provides a licensee shall exercise reasonable skill and care in representing the client and carrying out the responsibilities of the agency relationship and/or ORC 4735.18(A)(6), misconduct as that section incorporates the Canons of Ethics Section I, Article 4, which requires a licensee to be knowledgeable of the laws of Ohio pertinent to the real estate and should keep informed of changes in the statutes of Ohio affecting the duties and responsibilities of a licensee; failed to obtain the seller's signature, his client, to the brokerage policy on agency prior to marketing or showing the seller's real estate or noting that the seller refused to sign on the policy in violation of ORC 4735.18(A)(9) as it incorporates ORC 4735.56(C); failed to maintain a complete and accurate record of a signed brokerage policy on agency, Residential Property Disclosure Form, or Lead-Based Paint Disclosure form for the transaction involving the subject property in violation of ORC 4735.18(A)(24); and/or failed to request authorization from his client for the septic inspector and/or potential buyer to access the subject property when he was aware that the septic inspection was scheduled as such access to the subject property was gained by unlicensed persons without prior authorization from his client, the seller of the subject property, and without a licensee escort for purposes of a septic inspection in violation of ORC 4735.18(A)(6), which is dishonest or illegal dealing, gross negligence, incompetency, or misconduct and misconduct as that section incorporates the Canons of Ethics for the Real Estate Industry Section I, Article 1.

**MADLYN R BURNSIDE (2023)**, principal broker, Stout, Ohio had her license suspended for 5 days and was required to pay a \$750 fine and complete 3 hours of additional education in the area of ethics and 3 hours of core law when she failed to ensure that the residential property disclosure form or the lead-based paint disclosure form were completed by the sellers of the subject property and were provided timely to the buyer of the subject property in a contract from June 2, 2021 in violation of Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.62(A), and/or Ohio Revised Code Section 4735.18(A)(6),

misconduct as that section incorporates the Canons of Ethics for the Real Estate Industry Section I, Article 1, and prepared a purchase contract for the subject property that failed to adequately account for the buyer's ability to satisfy the timing requirement of the earnest money deposit and failed to prepare or provide a purchase contract addendum with a revised term that could be performed by the buyer addressing the timing of the earnest money deposit in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct.

### **OCTOBER 2023**

**DAVID P WALKER (2023)**, salesperson, North Ridgeville, Ohio had his license revoked when he was convicted of multiple counts of Attempted Sexual Battery, felonies in the fourth degree in the Cuyahoga County Court of Common Pleas on or about May 26, 2022 in violation of ORC 4735.18(A).

**DOUGLAS P SHORT (2023)**, principal broker, Kettering, Ohio was required to pay a \$500 fine and complete the 10-hour post-broker licensing course when he engaged in conduct that required an Ohio real estate license when his license was suspended which included, but is not limited to, holding himself out as an active licensee, negotiating or attempting to negotiate the purchase of the subject property and/or assisting in the procuring of prospects or negotiation of a transaction which did or was calculated to result in the purchase of the subject property in violation of ORC 4735.18(A)(6) misconduct as that section incorporates ORC 4735.02, which provides no person shall provide services that require a license under ORC Chapter 4735 if the licensee's license is inactive or suspended.

**JAMES S CHRISTMAN (2023)**, salesperson, Saint Marys, Ohio had his license revoked and was required to do the following: Pay a \$500 fine and complete 3 hours of additional education in the area of core law for Count 2; pay a \$1,000 fine in addition to a 30 day suspension for Count 4; pay a \$2,500 fine in addition to a 30 day suspension for Count 5; and pay a \$500 fine in addition to a 10 day suspension for Count 8 (all other counts resulted in revocation) when he did the following: Offered the subject property for sale without the knowledge and consent of all owners of the subject property, or the consent of the owners' authorized agent in violation of Ohio Revised Code Section 4735.18(A)(20); failed to provide all owners with a copy of the Consumer Guide to Agency Relationships prior to marketing or showing the subject property in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct, as that section incorporates Ohio Revised Code Section 4735.56(C); during the Division's investigation, he provided false or misleading information to the Division in case number 2022-372 in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct, and/or Ohio Revised Code Section 4735.18(A)(6) as that section incorporates the Canons of Ethics for the Real Estate Industry Section I, Article 3. Specifically, he denied communicating directly with Mr. Jeremiah Rupert concerning the potential sale of his mother's property prior to obtaining the listing for the subject property. When asked if there was any communication, he told the investigator "no" and provided a response wherein he noted that no communication whatsoever with Mr. Rupert during the course of the transaction; failed to provide all parties involved in the real estate transaction copies of all listings and other agreements to which they are a party, at the time the documents were signed in violation of Ohio Revised Code Section 4735.18(A)(25); on or about February 26, 2020, he received an offer from Linda Stevens, but he failed to inform all owners of the subject property of this offer, or he failed to present that offer to the subject's seller in a timely manner in violation of Ohio Revised Code Section 4735.18(A)(36) and/or Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.63(A)(2); during the transaction, he acted as a dual agent when he represented the sellers and presented an offer from his stepmother, Linda Stevens. During the dual agency representation, he disclosed confidential information to the prospective buyer, Linda Stevens, when he texted information related to the acceptance or non-acceptance of "our offer" and described the seller's family circumstances. This constitutes a violation of Ohio Revised Code 4735.18(A)(9) as it incorporates Ohio Revised Code 4735.62(I) and/or Ohio Revised Code section 4735.18(A)(6), misconduct as it incorporates the Canons of Ethics of the Real Estate Industry Section I Article 1 and/or a violation of Ohio Revised Code Section 4735.57(B)(5); he engaged in misconduct in violation of Ohio Revised Code Section 4735.18(A)(6) as it incorporates the Canons of Ethics of the Real Estate Industry Section I Article 1 when he failed to disclose to the sellers, prior to entering into a listing agreement or discussing listing the subject property, that he had a



potential buyer for the subject property, that he was related to the potential buyer and that he intended to act as a dual agent in the transaction; and he failed to keep complete and accurate records for the subject property for three years from the transaction. Specifically, he failed to maintain all text messages related to the subject property in violation of Ohio Revised Code Section 4735.18(A)(6), misconduct as that section incorporates Ohio Administrative Code 1301:5-1-13 or, in the alternative, a violation of Ohio Revised Code Section 4735.18(A)(24).

**KEITH CONKLE (2023)**, unlicensed, New Waterford, Ohio was ordered to pay a \$4,400 civil penalty when he, for another, for a fee, commission, or other valuable compensation or the expectation of a fee, commission, or other compensation advertised the subject property for sale, negotiated with and/or showed the subject property to prospective buyers, signed the agency disclosure statement as representing the seller, and/or held himself out as engaged in real estate consulting and providing real estate advice without a license in violation of ORC 4735.02, which provides no person shall advertise, act or assume to act as a real estate broker or salesperson without first being licensed under ORC Chapter 4735.

**MELCAP PARTNERS, LLC (2023)**, unlicensed, Medina, Ohio was ordered to pay a \$20,000 civil penalty when it, for another, for a fee, commission, or other valuable compensation or the expectation of a fee, commission, or other compensation, directly contacted approved buyers of the subject property business and property, marketed approved buyers, negotiated with the buyers, and assisted the sellers with closing of the transaction in violation of ORC 4735.02, which provides no person, partnership, association, limited liability company or partnership, or corporation shall advertise, act or assume to act as a real estate broker or salesperson without first being licensed under ORC Chapter 4735.

**MELISA A JENKINS (2023)**, salesperson, Cincinnati, Ohio had her license revoked when she had a judgment rendered against her that she failed to disclose on his Transfer/Reactivation application submitted to the Division on February 9, 2022 in violation of ORC 4735.18(A)(29), which is having an unsatisfied final judgment or lien in any court against the licensee arising out of the licensee's conduct as a licensed salesperson.

**WILLIAM ATHENS (2023)**, associate level broker, Strongsville, Ohio was required to pay a \$500 fine and complete 3 hours of additional education in the area of core law and 3 hours of ethics when he offered the subject property for sale without the knowledge or consent of all the owners or their authorized agents in violation of ORC 4735.18(A)(20) and, prior to marketing or showing the property, he failed to obtain the required signature acknowledging receipt of the consumer guide to agency from all of the sellers or note on the policy that the seller refused to provide a signature in violation of ORC 4735.18(A)(9) as that section incorporates ORC 4735.56(C).

### **NOVEMBER 2023**

**BARRY D BAKER (2023) (two cases)**, principal broker, Grove City, Ohio was required to pay a \$1,000 fine and complete 3 hours of additional education in the area of core law, 3 hours of ethics, and the 10-hour post-broker licensing course when he did the following with respect to one transaction: Failed to include "military status" in the fair housing language of his Consumer Guide to Agency Relationship in violation of Ohio Revised Code Section 4735.18(A)(6) as that section incorporates Ohio Administrative Code 1301:5-6-05(B)(3) and/or Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.55(A)(2); failed to include correct fair housing language as required by R.C. 4735.55(A)(2) in the executed exclusive right to sell agreement in violation of Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.55(A)(2); failed to include "blockbusting" language as required in R.C. 4735.55(A)(3) in the executed exclusive right to sell agreement in violation of Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.55(A)(3); and failed to put an expiration date in the exclusive right to sell agreement in violation of R.C. 4735.18(A)(28). And with respect to another transaction, he did the following: Failed to include "military status" in the fair housing language of his Consumer Guide to Agency Relationships in violation of Ohio Revised Code Section

4735.18(A)(6) as that section incorporates Ohio Administrative Code 1301:5-6-05(B)(3) and/or Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.55(A)(2); failed to include a place for the licensee and client to date the listing agreement for the subject property in violation of Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.55(B); and failed to have his brokerage trust account identified as a trust or special account in violation of Ohio Revised Code Section 4735.18(A)(6) and/or Ohio Revised Code Section 4735.26 as those sections incorporate Ohio Administrative Code 1301:5-5-08(B) which provides that special or trust bank accounts shall be designated by the depository in which the account is located. and all deposit tickets and checks drawn on said account shall bear the words "trust account" or "special account."

**DIANE C BANKS (2023)**, salesperson, Columbus, Ohio had her license suspended for 34 days (time served) and was required to pay a \$500 fine and complete the 20-hour post-salesperson licensing course when she was convicted of Medicaid Fraud, a felony in the fifth degree, in the Franklin County Court of Common Pleas on or about May 5, 2023 in violation of ORC 4735.18(A).

**HERBERT W ERWIN (2023)**, principal broker, West Union, Ohio was required to pay a \$500 fine and complete 3 hours of additional education in a broker responsibility course and 3 hours in core law when he: Released earnest money to the prospective buyer of the subject property after the transaction was cancelled without written instructions signed by both parties specifying how he was to disburse the money, without a court order, and within two years of the deposit of that earnest money into the brokerage's special account in violation of Ohio Revised Code Section 4735.18(A)(37) as that section incorporates Ohio Revised Code Section 4735.24; failed to obtain a signed consumer guide from a potential buyer of the subject property or note her refusal to provide a signature on that form prior to discussing with her the making of an offer to purchase or submitting an offer to purchase the subject property on her behalf in violation of Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.56(D). In the alternative, he failed to maintain the consumer guide with the potential buyer's signature or refusal noted on that form or failed to provide this document to the Division during the Division's investigation in violation of Ohio Revised Code Section 4735.18(A)(24) or. in the alternative, Ohio Revised Code Section 4735.18(A)(6). misconduct as that section incorporates Section I, Article 3 of the Canons of Ethics for the Real Estate Industry; modified the Agency Disclosure Statement and/or maintained or made use of a modified Agency Disclosure Statement. Specifically, he provided an agency disclosure statement to the seller that was not the 2019 or 2005 version of that form in violation of Ohio Revised Code Section 4735.18(A)(6) misconduct as that section incorporates Ohio Administrative Code 1301:5-6-06(C); and maintained a listing agreement that did not contain correct fair housing language as required in R.C. 4735.55(A)(2) in violation of Ohio Revised Code Section 4735.18(A)(9) as that section incorporates Ohio Revised Code Section 4735.55(A)(2).

**JAMES M BAISDEN (2023) (2 cases)**, principal broker, North Royalton, Ohio had his license suspended for 45 days and was required to complete 3 hours of additional education in the area of ethics, 3 hours of core law, and the 10-hour post-broker licensing course when he provided false or misleading information to the Division on or about August 10, 2021 with regard to case number 2020-116 in violation of ORC 4735.18(A)(6) misconduct and/or ORC 4735.18(A)(6) as that section incorporates the Canons for the Real Estate Industry Section I, Article 3 and provided false or misleading information to the Division in a document received by the Division on May 3, 2023 with regard to case number 2023-467 in violation of ORC 4735.18(A)(6) misconduct and/or ORC 4735.18(A)(6) as that section incorporates the Canons Section I, Article 3.

**JASON S GARDNER (2023)**, principal broker, Washington Court House, Ohio was required to pay a \$1,000 fine and complete the 10-hour post-broker licensing course when he participated in a dual agency transaction for a transaction that he was also the purchaser of the subject property in violation of ORC 4735.18(A)(9) as that section incorporates ORC 4735.71(C).

**JULIUS L CARTWRIGHT (2023)**, principal broker, Warrensville Heights, Ohio was required to pay a \$2,500 fine and complete the 10-hour post-broker licensing course when he allowed, permitted, or utilized Nathaniel Roane (SAL# 2017005277), a sales licensee with his brokerage, Dreamtime Realty, Inc. and a named Respondent in Division case number 2019-152 to provide one or more of the following services that required an Ohio real estate sales license even though Nathaniel Roane's license was suspended: Attend a showing of the subject property, present a purchase offer to the seller, present to the seller one or more addendums to the sales contract, and advertise the subject property for sale in the Multiple Listing Service in violation of Ohio Revised Code Section 4735.18(A)(6) misconduct, Ohio Revised Code Section 4735.18(A)(9) or Ohio Revised Code Section 4735.18(A)(6) as one or both sections incorporate Ohio Revised Code Section 4735.081(C)(1) and/or Ohio Revised Code Section 4735.18(B).

**MICHAEL S WRIGHT (2023)**, principal broker, Cincinnati, Ohio was required to pay a \$750 fine and complete 3 hours of additional education in the area of ethics and 3 hours in core law when he improperly advised his client concerning what happens to earnest money during a contract dispute including, but not limited to, advising his buyer/client that if the sellers rescinded their offer to return her earnest money that the earnest money would be tied up in escrow until it would be arbitrated after two years of sitting there and failing to advise her that she could seek a court order to return her earnest money in violation of ORC 4735.18(A)(6) misconduct as that section incorporates the Canons for the Real Estate Industry Section I, Article 1 and/or ORC 4735.18(A)(6) misconduct as that section incorporates the Canons Section I, Article 4.

**MICHAEL SEACRIST (2023)**, salesperson, Brecksville, Ohio had his license suspended for 30 days (time served) and was required to pay a \$500 fine and complete the 20-hour post-salesperson licensing course when he was convicted of Trespass in a Habitation When a Person is Present or Likely to be Present, a felony in the fourth degree, and Vandalism, a felony in the fourth degree, in Lake County, Ohio on or about March 27, 2023 in violation of ORC 4735.18(A).

**NERIS A KLIMAS (2023)**, salesperson, Cleveland, Ohio was required to pay a \$750 fine and complete 3 hours of additional education in the area of ethics and 3 hours of core law when she engaged in listing activities with a party that was already represented by another brokerage in violation of ORC 4735.18(A)(6) and ORC 4735.18(A)(6) as that section incorporates the Canons of Ethics for the Real Estate Industry Section III, Article 17, which provides a licensee should respect the exclusive agency of another licensee until it has expired or until the client, without solicitation, initiates a discussion with the licensee about the terms upon which the licensee might enter into a future agency agreement or one commencing upon the expiration of any existing agreement.

**VANESSA V SIMMONS (2023)**, management-level salesperson, Pickerington, Ohio was required to pay a \$500 fine and complete 3 hours of additional education in the area of core law when she failed to represent the buyer's interests from approximately January 27, 2020 through closing on approximately February 10, 2020 in violation of ORC 4735.18(A)(6) misconduct or misconduct as that section incorporates the Canons of Ethics for the Real Estate Industry Section I, Article 1, and/or ORC 4735.18(A)(9) as it incorporates ORC 4735.62(A), which requires agents to exercise reasonable skill and care in representing the client and carrying out the responsibilities of the agency relationship.

**VICKY BLACKMON (2023)**, unlicensed, Tulsa, Oklahoma was ordered to pay a \$6,000 civil penalty when she, for another, for a fee, commission, or other valuable compensation or the expectation of a fee, commission, or other compensation negotiated a contract for sale of the subject property with a prospective buyer in violation of ORC 4735.02, which provides no person shall advertise, act or assume to act as a real estate broker or salesperson without first being licensed under ORC Chapter 4735.