REAL ESTATE COMMISSION

General information (COM)

Duties

The commission or the superintendent of real estate is vested with the authority to investigate complaints concerning the violation of section 4735.02 or 4735.25 of the Revised Code Pursuant to Ohio Revised Code 4735.03, the commission must adopt canons of ethics for the real estate industry, upon appeal by any party affected, or may upon its own motion, review any order or application determination of the superintendent, and may reverse, vacate, or modify any order of the superintendent, administer the real estate education and research fund and hear appeals from orders of the superintendent regarding claims against that fund or against the real estate recovery fund, direct the superintendent on the content, scheduling, instruction, and offerings of real estate courses for salesperson and broker educational requirements, disseminate to licensees and the public, information relative to commission activities and decisions, notify licensees of changes in state and federal civil rights laws pertaining to discrimination in the purchase or sale of real estate and relevant case law, and inform licensees that they are subject to disciplinary action if they do not comply with the changes, publish and furnish to public libraries and to brokers booklets on housing and remedies available to dissatisfied clients under this chapter and Chapter 4112. of the Revised Code; provide training to commission members and employees of the division of real estate and professional licensing on issues relative to the real estate industry, which may include but not be limited to investigative techniques, real estate law, and real estate practices and procedures.

Membership (Current members, chairperson and other officers, and selection process.)

Current members of the Commission are: President Peter McLinden, Vice-President Mary Therese Hankner, Commissioner Courtney Combs and Commissioner Marlin Palich. There is one vacant position.

Five members serve on the Commission who shall be appointed by the governor, with the advice and consent of the senate. Four members shall have been engaged in the real estate business as licensed real estate brokers in the state for a period of ten years immediately preceding the appointment. One member shall represent the public. Terms of office shall be for five years, commencing on the first day of July and ending on the thirtieth day of June. Each member shall hold office from the date of appointment until the end of the term for which appointed. No more than three members shall be members of any one political party and no member of the commission concurrently may be a member of the commission and the real estate appraiser board created pursuant to section 4763.02 of the Revised Code. Each member, before entering upon the duties of office, shall subscribe to and file with the secretary of state the constitutional oath of office. All vacancies which occur shall be filled in the manner prescribed for the regular appointments to the commission. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. No member shall hold office for more than two consecutive full terms.

Membership (Current members, chairperson and other officers, and selection process.)

Annually, upon the qualification of the member appointed in such year, the commission shall organize by selecting from its members a president and vice-president, and shall do all things necessary and proper to carry out and enforce this chapter. A majority of the members of the commission shall constitute a quorum, but a lesser number may adjourn from time to time. Each member of the commission shall receive an amount fixed pursuant to section 124.14 of the Revised Code for each day employed in the discharge of official duties, and the member's actual and necessary expenses incurred in the discharge of those duties.

Budget (Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)

There is no specific budget related to the Commission. However, the Real Estate Operating Fund is estimated to have \$4.4 million in revenue. The current budget is \$4,336,156.00. The sources of funding for the operating fund are fees collected for all application fees for licenses, registrations, continuing education course approvals and unlicensed civil penalties collected pursuant to chapter 4735 of the Ohio Revised Code.

Workload (Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)

Workload for the Commission has remained relatively steady. While the Division has taken on the oversight of more licensees, registrants and credential holders, the Commission has maintained the oversight of brokers, salespersons, FR dealers and salespersons.

Staffing (How many staff are currently employed by the Commission? What are their roles? Are staffing levels proportionate to the Commission's current and anticipated workload?)

The duties of the Commission are handled by four full-time staff members, Division Counsel, two Assistant Division Counsels, a Hearing Administrator and a Program Administrator. The Superintendent serves as an ex officio member of the Ohio Real Estate Commission. The workload varies with the workload of the Division which has significantly increased over the years as the Division now oversees seven programs and currently has eight vacancies. More details concerning the Division staffing and workload were addressed in the Division survey.

Administrative hearings and public complaints (Describe the Commission's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)

Complaints are received by the Division from complainants or the Superintendent may initiate an investigation. After the filing of a complaint, if the complainant and respondent request mediation, mediation may be held. If mediation is not requested or is not successful, the matter moves to a full investigation. Once the investigation is concluded, the investigator prepares a report and the matter is sent to the Division legal counsel for review with the Superintendent to determine what action to take. The Superintendent may issue a No Further Action Determination, issue an Advisory Letter or issue Charges. If charges are issued, the matter is set for formal hearing before a hearing officer. The matter may the move to settlement or hearing. If the matter settles without hearing, the Commission reviews the settlement agreement. The Commission may approve the settlement agreement, reject the settlement agreement or reduce the sanction.

If the matter proceeds to hearing, the hearing examiner files a report of findings of fact and conclusions of law with the superintendent, the commission, and the complainant and licensee.

The commissioners review the hearing examiner's report at the next regularly scheduled commission meeting. The commission is responsible for deciding whether to impose disciplinary sanctions upon a licensee for a violation of section 4735.18 of the Revised Code.

The commission issues Adjudication Orders stating its findings and grounds for any action taken. The commission may impose the following sanctions upon a licensee for a violation of section 4735.18 of the Revised Code:

- (1) Revoke a license issued under Chapter 4735. of the Revised Code;
- (2) Suspend a license for a term set by the commission;
- (3) Impose a fine, not exceeding two thousand five hundred dollars per violation;
- (4) Issue a public reprimand;

Administrative hearings and public complaints (Describe the Commission's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)

(5) Require the completion of additional continuing education course work. Any continuing education course work imposed pursuant to this section shall not count toward the continuing education requirements set forth in section 4735.14 of the Revised Code.

Real estate broker

Survey responses (COM)

Description

Real estate broker includes any person, partnership, association, limited liability company, limited liability partnership, or corporation, foreign or domestic, who for another, whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration does any of the following:

Sells, exchanges, purchases, rents, or leases, or negotiates the sale, exchange, purchase, rental, or leasing of any real estate; Offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of any real estate; Lists, or offers, attempts, or agrees to list, or auctions, or offers, attempts, or agrees to auction, any real estate; Buys or offers to buy, sells or offers to sell, or otherwise deals in options on real estate; Operates, manages, or rents, or offers or attempts to operate, manage, or rent, other than as custodian, caretaker, or janitor, any building or portions of buildings to the public as tenants; Advertises or holds self out as engaged in the business of selling, exchanging, purchasing, renting, or leasing real estate; Directs or assists in the procuring of prospects or the negotiation of any transaction, other than mortgage financing, which does or is calculated to result in the sale, exchange, leasing, or renting of any real estate; Is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby the broker undertakes primarily to promote the sale, exchange, purchase, rental, or leasing of real estate through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both, except that this division does not apply to a publisher of listings or compilations of sales of real estate by their owners; Collects rental information for purposes of referring prospective tenants to rental units or locations of such units and charges the prospective tenants a fee.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Occupational license

If the regulation is a registration, certification	on, or license requirement, please complete the following:					
Number issued annually	In 2021, there were a total of 141 new broker licenses issued.					
Number renewed annually	here were 986 broker licenses renewed in 2021.					
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	In 2015 there were 112 new broker licenses issued.					
Education or training requirements	If licensed as a real estate salesperson prior to August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:					
	(i) Thirty hours of instruction in real estate practice;					
	(ii) Thirty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be					

If the regulation is a registration, certification, or license requirement, please complete the following:

taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

- (iii) Thirty hours of instruction in real estate appraisal;
- (iv) Thirty hours of instruction in real estate finance;
- (v) Three quarter hours, or its equivalent in semester hours, in financial management;
- (vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;
- (vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;
- (viii) Three quarter hours, or its equivalent in semester hours, in business law.
- (b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:
- (i) Forty hours of instruction in real estate practice;
- (ii) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.
- (iii) Twenty hours of instruction in real estate appraisal;
- (iv) Twenty hours of instruction in real estate finance;
- (v) The training in the amount of hours specified under divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section.

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If the regulation is a registration, certification, or license requirement, please complete the following:				
	(c) Division (B)(6)(a) or (b) of this section does not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), (vi), (vii), and (viii) or division (B)(6)(b)(v) of this section do not apply to any applicant who holds a valid real estate salesperson's license issued prior to January 3, 1984.			
	(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this section do not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate broker's license.			
	(e) Successful completion of the instruction required by division (B)(6)(a) or (b) of this section shall be determined by the law in effect on the date the instruction was completed.			
	(7) If licensed as a real estate salesperson on or after January 3, 1984, satisfactorily has completed a minimum of two years of post-secondary education, or its equivalent in semester or quarter hours, at an institution of higher education, and has fulfilled the requirements of division (B)(6)(a) or (b) of this section. The requirements of division (B)(6)(a) or (b) of this section may be included in the two years of postsecondary education, or its equivalent in semester or quarter hours, that is required by this division. The post-secondary education requirement may be satisfied by completing the credit-eligible courses using either classroom instruction or distance education. Successful completion of any course required by this section shall be determined by the law in effect on the date the course was completed.			
Experience requirements	A broker applicant must be licensed as a real estate broker or salesperson for at least two years; during at least two of the five years preceding the person's application, has worked as a licensed real estate broker or salesperson for an average of at least thirty hours per week; and has completed one of the following:			
	(a) At least twenty real estate transactions, in which property was sold for another by the applicant while acting in the capacity of a real estate broker or salesperson;			

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If the regulation is a registration, certification, or license requirement, please complete the following:

Examination requirements (Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?)

PSI administers the Ohio Real Estate Salesperson and Broker's Examination. The Department issues a request for proposals to solicit for a testing vendor. Real Estate Salesperson - National Only \$39.00 Real Estate Salesperson - State Only \$39.00 Real Estate Salesperson - State & National taken at same time \$58.00 Real Estate Broker - National Only \$39.00 Real Estate Broker - State Only \$39.00 Real Estate Broker - State & National taken at same time.

Continuing education requirements

(Including a description of the curriculum and the process of setting it.)

Except as otherwise provided in this division and in section 4735.13 of the Revised Code and except for a licensee who has placed the licensee's license in resigned status pursuant to section 4735.142 of the Revised Code, each person licensed under section 4735.07 or 4735.09 of the Revised Code shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed thirty hours of continuing education, as prescribed by the Ohio real estate commission pursuant to section 4735.10 of the Revised Code, on or before the licensee's birthday occurring three years after the licensee's date of initial licensure, and on or before the licensee's birthday every three years thereafter. If the person is licensed as a broker or broker on deposit, or acts as a management level licensee, the continuing education shall include a three-hour course on the duties of a principal broker and other issues involved in operating a real estate brokerage. The continuing education may be completed by either classroom instruction or distance education. Persons licensed as real estate salespersons who subsequently become licensed real estate brokers shall continue to submit proof of continuing education in accordance with the time period established in this section.

The requirements of this section shall not apply to any disabled licensee as provided in division (E) of this section.

Each licensee who is seventy years of age or older, within a continuing education reporting period, shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed both of the following:

(1) A total of nine hours of continuing education, including instruction in Ohio real estate law; recently enacted state and federal laws affecting the real estate industry; municipal, state, and federal civil rights law; and canons of ethics for the real estate industry as adopted by the commission;

If the regulation is a registration, certification	on, or license requirement, please complete the following:
	(2) If licensed as a broker, broker on deposit, or acting as a management level licensee, a three-hour continuing education course on the duties of a principal broker and other issues involved in operating a real estate brokerage.
	The continuing education requirements and course approval requirements are set in OAC 1301:5-7-02 and 1301:5-7-03
Initial fee	\$135.00
Duration	A Broker renews his or her license every three years on their birthdate.
Renewal fee (If different from initial fee, please explain why.)	The renewal fee is set by statute RC 4735.15 and is \$243.00. The renewal fee covers three years or \$81.00/year. License examiners must review renewal applications including the required Continuing Education.
Does the Commission recognize uniform licensure requirements or allow for reciprocity?	Pursuant to section (E) of RC 4735.07 and RC 4735.09
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	N/A
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?	There are exceptions to licensure found in 4735.01 (I)

If the regulation is a registration, certification, or license requirement, please complete the following:					
Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?	RC 4735.07 (B) establishes the requirements for obtaining a broker license. If the Superintendent denies the license a 119 hearing is held before the Ohio Real Estate Commission if requested by the applicant. The Commission determines whether or not to issue a license based upon their expertise and the requirements set by statute.				
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	N/A				

Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.

The Ohio Real Estate Commission decides whether to impose disciplinary sanctions upon a licensee for a violation of RC 4735.18. The Commission may impose the following sanctions:

- (I) The commission may impose the following sanctions upon a licensee for a violation of section 4735.18 of the Revised Code:
- (1) Revoke a license issued under Chapter 4735. of the Revised Code;
- (2) Suspend a license for a term set by the commission;
- (3) Impose a fine, not exceeding two thousand five hundred dollars per violation;
- (4) Issue a public reprimand;
- (5) Require the completion of additional continuing education course work. Any continuing education course work imposed pursuant to this section shall not count toward the continuing education requirements set forth in section 4735.14 of the Revised Code.

	fees)? How is that revenue used?
	All revenue indicated above is derived from fees charged by the Commission to individuals engaged in the occupation in addition to unlicensed penalties, continuing education fees and other application fees.
I	Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?
	N/A
	What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)
	Purchasing a home is the likely the largest investment a person will ever make. The Superintendent and Commission are charged with the responsibility of enforcing the statutory requirements set forth in RC 4735. Making certain that home buyers and sellers are treated fairly and represented responsibly and to give potential homebuyers confidence that any salesperson or broker they engage is knowledgeable, properly trained and adheres to a standard of practice and ethics that is in the public interest.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

No, it is not likely that the public could be protected or served in an alternate or less restrictive manner. Having minimum requirements to obtain licensure helps to ensure that those working as brokers and salespersons have sufficient education, training, and experience to perform such work competently. Moreover, the Commission's use of background checks to screen out applicants who have been convicted of disqualifying offenses also helps to ensure the public's health, safety, and welfare.

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Please see responses in the Division's survey

Surrounding state comparison (LSC)

	Real Estate Broker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia	
Type of regulation	License (R.C. 4735.02).	License (Ind. Code 25-34.1-3-2).	License (Ky. Rev. Stat. 324.020).	License (Mich. Comp. Laws 339.2502b).	License (63 Pa. Stat. 455.301).	License (<i>W. Va. Code 30-40-3</i>).	
Education or training	Two years of post- secondary education and 40 hours of instruction in real	A high school diploma or equivalent and 90 hours of instruction in real	A high school diploma or equivalent and 21 credit hours of instruction or the	90 hours of instruction in approved real estate courses, including nine	A high school diploma or equivalent and 240 hours in approved real	A high school diploma or equivalent and 180 hours of instruction	

	Real Estate Broker License					
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	estate, 40 hours in Ohio and other local real estate laws, 20 hours in real estate appraisal, 20 hours in real estate finance, and ¾ hours each in financial management, human resources, applied business economics, and business law (R.C. 4735.07).	estate principles and practice, Indiana licensing law and professional standards, the law of agency, contracts, financing, settlement procedures, escrow responsibility, recordkeeping, government regulations, and appraising (Ind. Code 25-34.1-3-4.1 and 25-34.1-5-5).	equivalent, including 12 hours in real estate and three hours in broker management skills (Ky. Rev. Stat. 324.046).	hours in civil rights and fair housing law; 60 hours may be satisfied with a law degree or a master's degree in business administration or finance; 30 hours may be satisfied with a bachelor's degree in business or finance (Mich. Comp. Laws 339.2504; Mich. Admin. Code R. 339.22203).	estate instruction, including fair housing and professional ethics (63 Pa. Stat. 455.511).	approved by the West Virginia Real Estate Commission. An applicant with a West Virginia real estate salesperson license needs only 90 hours of instruction approved by the Commission. (W. Va. Code 30-40-11 and 30-40-14.)
Experience	At least 18 years of age. Two years of experience as a licensed real estate broker or salesperson in the past five years, during which the applicant must	At least 18 years of age (Ind. Code 25-34.1-3-4.1).	At least 18 years of age. Two years of experience as a sales associate working an average of 20 hours per week, or one year if the applicant has a	At least 18 years of age. Three years of qualifying full-time experience in the business of real estate, during which the applicant must	At least 21 years of age. Three years of experience as a real estate salesperson or the equivalent. (63 Pa. Stat. 455.511.)	At least 18 years of age. Two years of experience as a licensed real estate salesperson or the equivalent while apprenticed to a real estate broker.

	Real Estate Broker License							
	Ohio	Ohio Indiana Kentucky Michigan Pennsylvania West Virginia						
	have worked an average of at least 30 hours per week and completed either at least 20 real estate transactions or acquired equivalent experience. (R.C. 4735.07.)		bachelor's or associate's degree in real estate and the Kentucky Real Estate Commission waives one year of experience. (Ky. Rev. Stat. 324.040 and 324.046.)	have closed or sold a prescribed number of units (five per year as a real estate salesperson, for example). (Mich. Comp. Laws 339.2502a and 339.2505.)		(W. Va. Code 30- 40-11 and 30-40- 12.)		
Exam	Yes (R.C. 4735.07; O.A.C. 1301:5-1- 05).	Yes (Ind. Code 25- 34.1-3-4.1).	Yes (Ky. Rev. Stat. 324.045).	Yes (Mich. Comp. Laws 339.2505).	Yes (63 Pa. Stat. 455.511).	Yes (W. Va. Code 30-40-12).		
Continuing education	30 hours every three years in areas prescribed by the Ohio Real Estate Commission (R.C. 4735.141; O.A.C. 1301:5-7-03).	12 hours every year in applicant's choice of several specified legal, financial, appraisal, and real estate topics (Ind. Code 25-34.1-9-11).	N/A	18 hours every year, including two in legal education courses (Mich. Comp. Laws 339.2504a; Mich. Admin. Code R. 339.22629).	14 hours every two years in applicant's choice of several specified legal, financial, appraisal, and real estate topics (63 Pa. Stat. 455.404a; 49 Pa. Code 35.384).	Seven hours every year in approved professional education courses (W. Va. Code 30-40-16).		

Real Estate Broker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$135 (R.C. 4735.06).	\$60 (Ind. Code 25- 34.1-3-9.5; 876 Ind. Admin. Code 5-3-1).	\$60 plus \$100 examination fee (Ky. Rev. Stat. 324.287; 201 Ky. Admin. Regs. 11:210).	\$143 plus an examination fee of \$76 (Mich. Bureau of Professional Licensing and Regulatory Affairs, Michigan Real Estate Licensing Guide (PDF)).	\$169.50 (Pa. Dept. of State, <u>Broker</u> (Standard)).	\$150 (W. Va. Real Estate Commission, Schedule of Fees).
License duration	Three years (R.C. 4735.06; O.A.C. 1301:5-1-22).	Three years (Ind. Code 25-34.1-3-4.1(g)).	Two years (Ky. Rev. Stat. 324.090).	Three years (Mich. Bureau of Professional Licensing and Regulatory Affairs, Real Estate Continuing Education Requirements (PDF)).	Two years (63 Pa. Stat. 455.404a).	One year (W. Va. Code 30-40-17).
Renewal fee	\$135 (R.C. 4735.06).	\$60 (Ind. Code 25- 34.1-3-9.5; 876 Ind. Admin. Code 5-3-1).	\$130 (Ky. Rev. Stat. 324.287 and 324.400; Ky. Admin. Regs. 324.287; Ky. Real Estate	\$108 (LARA, License Renewal Fees).	\$126 (Pa. Dept. of State, <u>Broker</u> (Standard)).	\$150 (W. Va. Real Estate Commission, Schedule of Fees).

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Real Estate Broker License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			Commission, <u>Fee</u> <u>Schedule</u>).			

Real estate salesperson

Survey responses (COM)

Descri	ption

Real estate salesperson means any person associated with a licensed real estate broker to do or to deal in any acts or transactions set out or comprehended by the definition of a real estate broker (RC 4735.01), for compensation or otherwise.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Occupational License

If the regulation is a registration, certification	on, or license requirement, please complete the following:				
Number issued annually	In 2021, the Division issued 4,806 new sales licenses.				
Number renewed annually	In 2021, there were 14,076 salespersons licenses renewed.				
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	The Division issued over 1300 more sales licenses in 2021 than in 2015.				
Education or training requirements	If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued by the department of education;				
	(6) Has successfully completed at an institution of higher education all of the following credit- eligible courses by either classroom instruction or distance education:				
	(a) Forty hours of instruction in real estate practice;				
	(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.				
	(c) Twenty hours of instruction in real estate appraisal;				
	(d) Twenty hours of instruction in real estate finance.				
	(G)(1) Successful completion of the instruction required by division (F)(6) of this section shall be determined by the law in effect on the date the instruction was completed.				

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	(2) Division (F)(6)(c) of this section does not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate salesperson's license.
Experience requirements	N/A
Examination requirements (Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?)	PSI administers the Ohio Real Estate Salesperson and Broker's Examination. The Department issues a request for proposals. Real Estate Salesperson - National Only \$39.00 Real Estate Salesperson - State & National taken at same time \$58.00 Real Estate Broker - National Only \$39.00 Real Estate Broker - State Only \$39.00 Real Estate Broker - State & National taken at same time.
Continuing education requirements (Including a description of the curriculum and the process of setting it.)	Except as otherwise provided in this division and in section 4735.13 of the Revised Code and except for a licensee who has placed the licensee's license in resigned status pursuant to section 4735.142 of the Revised Code, each person licensed under section 4735.07 or 4735.09 of the Revised Code shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed thirty hours of continuing education, as prescribed by the Ohio real estate commission pursuant to section 4735.10 of the Revised Code, on or before the licensee's birthday occurring three years after the licensee's date of initial licensure, and on or before the licensee's birthday every three years thereafter. If the person is licensed as a broker or broker on deposit, or acts as a management level licensee, the continuing education shall include a three-hour course on the duties of a principal broker and other issues involved in operating a real estate brokerage. The continuing education may be completed by either classroom instruction or distance education. Persons licensed as real estate salespersons who subsequently become licensed real estate brokers shall continue to submit proof of continuing education in accordance with the time period established in this section. The requirements of this section shall not apply to any disabled licensee as provided in division (E) of this section.

If the regulation is a registration, certification	on, or license requirement, please complete the following:
	Each licensee who is seventy years of age or older, within a continuing education reporting period, shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed both of the following:
	(1) A total of nine hours of continuing education, including instruction in Ohio real estate law; recently enacted state and federal laws affecting the real estate industry; municipal, state, and federal civil rights law; and canons of ethics for the real estate industry as adopted by the commission;
	(2) If licensed as a broker, broker on deposit, or acting as a management level licensee, a three-hour continuing education course on the duties of a principal broker and other issues involved in operating a real estate brokerage.
	The continuing education requirements and course approval requirements are set in OAC 1301:5-7-02 and 1301:5-7-03
Initial fee	\$81.00
Duration	A Salesperson renews his or her license every three years on their birthdate.
Renewal fee (If different from initial fee, please explain why.)	The renewal fee is set by statute RC 4735.15 and is \$182.00. The renewal fee covers three years or \$60.67/year. License examiners must review renewal applications including the required Continuing Education.
Does the Commission recognize uniform licensure requirements or allow for reciprocity?	Pursuant to section (E) of RC 4735.07 and RC 4735.09 allows for reciprocity.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	N/A

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If the regulation is a registration, certification, or license requirement, please complete the following:			
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission? There are exceptions to licensure found in 4735.01 (I)			
Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?	RC 4735.09 establishes the requirements for obtaining a sales license If the Superintendent denies the license a 119 hearing is held before the Ohio Real Estate Commission if requested by the applicant. The Commission determines whether or not to issue a license based upon their expertise and the requirements set by statute.		
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	N/A		

Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.

The Ohio Real Estate Commission decides whether to impose disciplinary sanctions upon a licensee for a violation of RC 4735.18. The Commission may impose the following sanctions:

- (I) The commission may impose the following sanctions upon a licensee for a violation of section 4735.18 of the Revised Code:
- (1) Revoke a license issued under Chapter 4735. of the Revised Code;
- (2) Suspend a license for a term set by the commission;
- (3) Impose a fine, not exceeding two thousand five hundred dollars per violation;
- (4) Issue a public reprimand;
- (5) Require the completion of additional continuing education course work. Any continuing education course work imposed pursuant to this section shall not count toward the continuing education requirements set forth in section 4735.14 of the Revised Code.

How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?
Please see answer above.
Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?
N/A
What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)
Purchasing a home is the likely the largest investment a person will ever make. The Superintendent and Commission are charged with the responsibility of enforcing the statutory requirements set forth in RC 4735. Making certain that home buyers and sellers are treated fairly and represented responsibly and to give potential homebuyers confidence that any salesperson or broker they engage is knowledgeable, properly trained and adheres to a standard of practice and ethics that is in the public interest.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

No, it is not likely that the public could be protected or served in an alternate or less restrictive manner. Having minimum requirements to obtain licensure helps to ensure that those working as brokers and salespersons have sufficient education, training, and experience to perform such work competently. Moreover, the Commission's use of background checks to screen out applicants who have been convicted of disqualifying offenses also helps to ensure the public's health, safety, and welfare.

Are there any changes the Commission would like to see implemented?

Not at this time. Please see the Division responses in that survey.

Surrounding state comparison (LSC)

	Real Estate Salesperson License					
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (R.C. 4735.02).	No clear equivalent.	License (Ky. Rev. Stat. 324.020).	License (Mich. Comp. Laws 339.2502b).	License (63 Pa. Stat. 455.301).	License (W. Va. Code 30-40-3).
Education or training	A high school diploma or equivalent and 40 hours of instruction in real	N/A	A high school diploma or equivalent and six credit hours in real estate	40 hours of approved real estate courses, including four hours in civil	A high school diploma or equivalent and 75 hours of basic real estate courses	A high school diploma or equivalent and 90 hours or six college semester

	Real Estate Salesperson License					
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	estate practice, 40 hours in Ohio and local real estate law, 20 hours in real estate appraisal (if the applicant does not have an Ohio real estate appraisal license or certificate), and 20 hours in real estate finance (R.C. 4735.09).		courses (Ky. Rev. Stat. 324.046).	rights law and equal opportunity housing (Mich. Comp. Laws 339.2504).	from an approved provider, including fair housing and professional ethics (63 Pa. Stat. 455.521).	credit hours in courses approved by the West Virginia Real Estate Commission (W. Va. Code 30-40-11; W. Va. Code R. 30-40-14).
Experience	At least 18 years of age (R.C. 4735.09).	N/A	At least 18 years of age (Ky. Rev. Stat. 324.040).	At least 18 years of age (Mich. Comp. Laws 339.2502a).	At least 18 years of age (63 Pa. Stat. 455.521).	At least 18 years of age (W. Va. Code 30-40-11).
Exam	Yes (R.C. 4735.09).	N/A	Yes (Ky. Rev. Stat. 324.045).	Yes (Mich. Comp. Laws 339.2505).	Yes (63 Pa. Stat. 455.521).	Yes (W. Va. Code 30-40-13).
Continuing education	30 hours every three years in areas prescribed by the Ohio Real Estate Commission (R.C.	N/A	12 hours every two years, including six hours in real estate law and six hours in approved real- estate related	18 hours every year, including two hours in legal education courses (Mich. Comp. Laws 339.2504a; Mich. Admin.	14 hours every two years in applicant's choice of several specified legal, financial, appraisal, and real estate topics (63	Seven hours every year in approved professional education courses (W. Va. Code 30-40-16).

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Real Estate Salesperson License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	4735.141; O.A.C. 1301:5-7-03).		courses (Ky. Rev. Stat. 324.085).	Code R. 339.22629).	Pa. Stat. 455.404a; 49 Pa. Code 35.384).	
Initial licensure fee	\$81 (R.C. 4735.09).	N/A	\$130 (Ky. Rev. Stat. 324.287; Ky. Real Estate Commission, Fee Schedule).	\$88 plus an examination fee of \$76 (Mich. Bureau of Professional Licensing and Regulatory Affairs, Michigan Real Estate Licensing Guide (PDF)).	\$107 (Pa. Dept. of State, <u>Real Estate</u> <u>Salesperson</u>).	\$75 (W. Va. Real Estate Commission, Schedule of Fees)
License duration	Three years (R.C. 4735.10; O.A.C. 1301:5-1-22).	N/A	Two years (Ky. Rev. Stat. 324.090).	Three years (Mich. Bureau of Professional Licensing and Regulatory Affairs, Real Estate Continuing Education Requirements (PDF)).	Two years (63 Pa. Stat. 455.404a).	One year (W. Va. Code 30-40-17).
Renewal fee	\$182 (R.C. 4735.15).	N/A	\$130 (Ky. Rev. Stat. 324.287 and 324.400; Ky. Real Estate	\$78 (LARA, License Renewal Fees).	\$96 (Pa. Dept. of State, <u>Real Estate</u> <u>Salesperson</u>).	\$75 (W. Va. Real Estate

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Real Estate Salesperson License						
	Ohio Indiana Kentucky Michigan Pennsylvania West Virginia					
			Commission, <u>Fee</u> <u>Schedule</u>).			Commission, Schedule of Fees).

Foreign real estate dealer Survey responses (COM)

Description

Foreign real estate dealer" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation, foreign or domestic, who for another, whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration, does or deals in any act or transaction specified or comprehended in division (A) of this section with respect to foreign real estate.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Occupational license

If the regulation is a registration, certification, or license requirement, please complete the following:					
Number issued annually	In 2021, the Division issued 2 foreign dealer licenses.				
Number renewed annually	In 2021, the Division renewed 17 foreign real estate dealer licenses.				
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	The Division issued 4 more licenses in 2016 than in 2021.				
Education or training requirements	Any education or experience required in the state of licensure see RC 4735.27 (D)				
Experience requirements	Any education or experience required in the state of licensure see RC 4735.27 (D)				
Examination requirements (Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?)	Every applicant shall take a written examination, prescribed and conducted by the superintendent, which covers the applicant's knowledge of the principles of real estate practice, real estate law, financing and appraisal, real estate transactions and instruments relating to them, canons of business ethics relating to real estate transactions, and the duties of foreign real estate dealers and salespersons. The fee for the examination, when administered by the superintendent, is one hundred one dollars. If the applicant does not appear for the examination, the fee shall be forfeited and a new application and fee shall be filed, unless good cause for the failure to appear is shown to the superintendent. The requirement of an examination may be waived in whole or in part by the superintendent if an applicant is licensed as a real estate broker by any state.				
Continuing education requirements (Including a description of the curriculum and the process of setting it.)	The continuing education requirements would be those required in the state where the individual is licensed. The dealer must maintain a broker license to maintain the dealer license in Ohio.				

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If the regulation is a registration, certification, or license requirement, please complete the following:					
Initial fee	The initial application is, at a minimum, \$203.00 see RC 4735.15				
Duration	All licenses issued under Chapter 4735 are renewed every three years				
Renewal fee (If different from initial fee, please explain why.)	The renewal fee is \$203.00				
Does the Commission recognize uniform licensure requirements or allow for reciprocity?	RC 4735.27 (D) The requirement of an examination may be waived in whole or in part by the superintendent if an applicant is licensed as a real estate broker by any state.				
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	N/A				
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission?	There are exceptions to licensure found in 4735.01 (I)				
Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?	RC 4735.27 establishes the requirements for obtaining a foreign real estate dealer license. If the Superintendent denies the license a 119 hearing is held before the Ohio Real Estate Commission if requested by the applicant. The Commission determines whether or not to issue a license based upon their expertise and the requirements set by statute.				
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)					

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Oversight and discip	linary authority	y of the Commission resp	pecting individuals eng	gaged in the occupation

RC 4735.18 allows for the superintendent of real estate, upon the superintendent's own motion, may investigate the conduct of any licensee. The commission may impose the following sanctions upon a licensee for a violation of section 4735.18 of the Revised Code:

- (1) Revoke a license issued under Chapter 4735. of the Revised Code;
- (2) Suspend a license for a term set by the commission;
- (3) Impose a fine, not exceeding two thousand five hundred dollars per violation;
- (4) Issue a public reprimand;
- (5) Require the completion of additional continuing education course work. Any continuing education course work imposed pursuant to this section shall not count toward the continuing education requirements set forth in section 4735.14 of the Revised Code.

All fines imposed pursuant to division (I)(3) of this section shall be credited to the real estate recovery fund, which is created in the state treasury under section 4735.12 of the Revised Code.

How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?
See answer above

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?				
N/A				

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The Superintendent and Commission are charged with the responsibility of enforcing the statutory requirements set forth in RC 4735. Making certain that home buyers and sellers are treated fairly and represented responsibly and to give potential homebuyers confidence that any salesperson or broker they engage is knowledgeable, properly trained and adheres to a standard of practice and ethics that is in the public interest.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

No, it is not likely that the public could be protected or served in an alternate or less restrictive manner. Having minimum requirements to obtain licensure helps to ensure that those working as dealers have sufficient education, training, and experience to perform such work competently.

Are there any changes the Commission would like to see implemented?
See the responses in the Division's survey

Surrounding state comparison (LSC)

Foreign Real Estate Dealer's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (R.C. 4735.25).	No clear equivalent.				
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	Yes (R.C. 4735.27(D)).	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$30 per person employed but not less than \$203 (R.C. 4735.15).	N/A	N/A	N/A	N/A	N/A

Foreign Real Estate Dealer's License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year (R.C. 4735.29).	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$30 per person employed but not less than \$203 (R.C. 4735.15).	N/A	N/A	N/A	N/A	N/A

Foreign real estate salesperson Survey responses (COM)

Description

"Foreign real estate salesperson" means any person associated with a licensed foreign real estate dealer to do or deal in any act or transaction specified or comprehended in division (A) of this section with respect to foreign real estate, for compensation or otherwise.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Occupational License

If the regulation is a registration, certification, or license requirement, please complete the following:					
Number issued annually	In 2021, the Division issued 44 new foreign real estate salesperson's licenses				
Number renewed annually	In 2021, the Division renewed 51 foreign real estate salespersons licenses.				
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	In 2015, the Division issued 83 new foreign real estate salesperson's licenses				
Education or training requirements	Any education or experience required in the state of licensure see RC 4735.28 (B)				
Experience requirements	Any education or experience required in the state of licensure see RC 4735.28 (B)				

If the regulation is a registration, certification	on, or license requirement, please complete the following:
Examination requirements (Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Commission receive any proceeds of those fees? If so, how are the proceeds used?)	Every applicant shall take a written examination, prescribed and conducted by the superintendent, which covers the applicant's knowledge of the principles of real estate practice, real estate law, financing and appraisal, real estate transactions and instruments relating to them, canons of business ethics relating to real estate transactions, and the duties of foreign real estate salespersons. The fee for the examination, when administered by the superintendent, is sixty eight dollars. If the applicant does not appear for the examination, the fee shall be forfeited and a new application and fee shall be filed, unless good cause for the failure to appear is shown to the superintendent. The requirement of an examination may be waived in whole or in part by the superintendent if an applicant is licensed as a real estate broker or salesperson by any state.
Continuing education requirements (Including a description of the curriculum and the process of setting it.)	The continuing education requirements would be those required in the state where the individual is licensed. The salesperson must maintain a broker license to maintain the dealer license in Ohio.
Initial fee	The initial application fee is \$68.00
Duration	All licenses issued under Chapter 4735 are renewed every three years
Renewal fee (If different from initial fee, please explain why.)	The renewal fee is \$68.00
Does the Commission recognize uniform licensure requirements or allow for reciprocity?	RC 4735.28 (B) The requirement of an examination may be waived in whole or in part by the superintendent if an applicant is licensed as a real estate broker by any state.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:					
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Commission? There are exceptions to licensure found in 4735.01 (I)					
Is the Commission permitted to exercise discretion in determining whether to register, certify, or license an individual?	RC 4735.28 establishes the requirements for obtaining a foreign real estate dealer license. If the Superintendent denies the license a 119 hearing is held before the Ohio Real Estate Commission if requested by the applicant. The Commission determines whether or not to issue a license based upon their expertise and the requirements set by statute.				
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)					

Oversight and disciplinary authority of the Commission respecting individuals engaged in the occupation.

RC 4735.18 allows for the superintendent of real estate, upon the superintendent's own motion, may investigate the conduct of any licensee. The commission may impose the following sanctions upon a licensee for a violation of section 4735.18 of the Revised Code:

- (1) Revoke a license issued under Chapter 4735. of the Revised Code;
- (2) Suspend a license for a term set by the commission;
- (3) Impose a fine, not exceeding two thousand five hundred dollars per violation;
- (4) Issue a public reprimand;
- (5) Require the completion of additional continuing education course work. Any continuing education course work imposed pursuant to this section shall not count toward the continuing education requirements set forth in section 4735.14 of the Revised Code.

All fines imposed pursuant to division (I)(3) of this section shall be credited to the real estate recovery fund, which is created in the state treasury under section 4735.12 of the Revised Code.

How much revenue is derived from fees charged by the Commission to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?
See answer above.
Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?
N/A
What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)
The Superintendent and Commission are charged with the responsibility of enforcing the statutory requirements set forth in RC 4735. Making certain that home buyers and sellers are treated fairly and represented responsibly and to give potential homebuyers confidence that any salesperson or broker they engage is knowledgeable, properly trained and adheres to a standard of practice and ethics that is in the public interest.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

No, it is not likely that the public could be protected or served in an alternate or less restrictive manner. Having minimum requirements to obtain licensure helps to ensure that those working as dealers have sufficient education, training, and experience to perform such work competently.

Are there any changes the Commission would like to see implemented?

See the responses in the Division's survey.

Surrounding state comparison (LSC)

Foreign Real Estate Salesperson License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (R.C. 4735.25).	No clear equivalent.				
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A

Foreign Real Estate Salesperson License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes (R.C. 4735.28(B)).	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$68 (R.C. 4735.15).	N/A	N/A	N/A	N/A	N/A
License duration	One year (R.C. 4735.29).	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$68 (R.C. 4735.15).	N/A	N/A	N/A	N/A	N/A