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Hearing Date: 1/3/2019

Today's Date: 1/17/2019

Agency: Ohio Division of Real Estate & Professional Licensing

Rule Number(s): 1301:5-1-02, 1301:5-1-03, 1301:5-1-04, 1301:5-1-05, 1301:5-1-06, 1301:5-1-07, 1301:5-1-12, 1301:5-1-13, 1301:5-1-14, 1301:5-1-15, 1301:5-1-17, 1301:5-1-18, 1301:5-1-19, 1301:5-1-20, 1301:5-1-21, 1301:5-3-02, 1301:5-3-03, 1301:5-3-04, 1301:5-3-06, 1301:5-3-07, 1301:5-3-09, 1301:5-3-13, 1301:5-3-14, 1301:5-3-15, 1301:5-3-16, 1301:5-5-01, 1301:5-5-07, 1301:5-5-09, 1301:5-5-11, 1301:5-5-24, 1301:5-5-25, 1301:5-5-30, 1301:5-6-01, 1301:5-6-02, 1301:5-6-03, 1301:5-6-06, 1301:5-6-07, 1301:5-6-08, 1301:5-6-09, 1301:5-7-02, 1301:5-7-03, 1301:5-7-04, 1301:5-7-05, 1301:5-7-06, 1301:5-7-07, 1301:5-7-08, and 1301:5-7-09

If no comments at the hearing, please check the box. ☐

List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Jim Abele submitted comments from an unnamed broker on rule 1301:5-1-21 received on January 4, 2019.

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Hearing Summary Report

Consolidated Summary of Comments Received

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

Comments on the restriction of the use of the word "Associates" in a team name. The proposed changes to rule 1301:5-1-21 would require including the term "group" or "team" in the team name and not using the terms "realty" or "associates" in the team name. In the email sent with specific comments from an unnamed broker, it was stated that "brokers have issue and are wanting to let their voices be heard."

The comments from the broker generally include asserting that the use of "associates" is not misleading to the public and that the summary of the comments was as follows: "consumers do not confuse sales associates with salespeople. It doesn't harm or mislead the public in any way for a salesperson to represent themselves as a sales associate. The agent must co-brand with the broker either way and as long as they are following advertising guidelines the consumer is protected."

Hearing Summary Report

Incorporated Comments into Rule(s)

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

The Division routinely receives comments from the Ohio Real Estate Commission, the public, and licensees concerning the rules and whether they require modification. Most recently, real estate license law was amended and Division personnel worked with the Ohio REALTORS concerning changes in Ohio law and the amendments to the rules. Further, Division personnel traveled the state presenting on the new amendments to Chapter 4735 of the Ohio Revised Code and received comments and feedbacks on the new changes and discussed rule changes that would be necessary due to the law changes.

During the five year rule review process the Division reached out to the Ohio REALTORS and draft rules were sent to stakeholders in November of 2017. Multiple in-person meetings and telephone discussions between the Ohio REALTORS, Superintendent, and Division counsel were held concerning all of OAC Chapter 1301:5. Many phone calls have come to the Division concerning proposed changes to the rules and discussions have been held with licensees regarding their thoughts on the proposed rules. Copies of the draft proposals have been shared with any individual who has requested a copy and the Division is aware that the proposed rules have been discussed by the Ohio REALTORS with their members at recent meetings. The Ohio Real Estate Commission reviewed proposed rules at a special public meeting that was held on May 9, 2018 where stakeholders were present and presented comments that were discussed and taken into consideration. The Commission voted to file these rules as provided in this packet.