

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1301:5-1-21

Rule Type: No Change

Rule Title/Tagline: Team advertising.

Agency Name: Department of Commerce

Division: Division of Real Estate

Address: Div. of Real Estate, 6606 Tussing Rd. PO Box 4008 Reynoldsburg OH 43068

Contact: Kimberley Wells **Phone:** 614-466-5032

Email: kimberley.wells@com.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 1/3/2025 and 01/03/2030
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? Ohio Revised Code Section 4735.10
5. What statute(s) does the rule implement or amplify? Ohio Revised Code Sections 4735.10, 4735.16, 4735.18
6. What are the reasons for proposing the rule?

The rule is subject to five-year rule review.
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

No changes are proposed. This rule establishes the requirements how a licensee advertises as being a part of a team.
8. Does the rule incorporate material by reference? No

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

Zero

The Division will not see any change in agency's revenues or expenditures due to the proposed no changes to the rule.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

There is no adverse impact with the current no change proposal. Under the existing rule, a licensee could be subject to sanctions by the Ohio Real Estate Commission for non-compliance with the rule. Pursuant to ORC 4735.051(I), the Commission has the authority to impose a range of sanctions: a public reprimand, additional education, a fine not to exceed \$2,500.00 per violation, a license suspension for a term set by the commission, and/or a revocation of the license. The sanctions are assessed based upon the violation found, individual facts of the case and mitigating circumstances in each case.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Any monetary sanctions ordered by the Commission will be used to defray the costs associated with the administration of Ohio Revised Code Chapter 4735.

III. Common Sense Initiative (CSI) Questions

16. Was this rule filed with the Common Sense Initiative Office? Yes

17. Does this rule have an adverse impact on business? Yes

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

A failure to comply with this rule could result in administrative sanctions.

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

Rule Summary and Fiscal Analysis

Part A – General Questions

Rule Number: 1301:5-1-21

Rule Type: Administrative Rule

Rule Title/Tagline: Team advertising

Agency Name: Department of Commerce

Division: Division of Real Estate & Professional Licensing

Address: 6606 Tussing Road, Reynoldsburg, Ohio 43068

Contact: Kim Wells **Phone:** 614-466-5032

Email: kimberley.wells@com.ohio.gov

I. Rule Summary

1. **Is this a five year rule review?** Yes

A. **What is the rule's five year review date?** 11/26/2023

2. **Is this rule the result of recent legislation?** No

A. **If so, what is the bill number, General Assembly and Sponsor?** Not Applicable

3. **What statute is this rule being promulgated under?** Ohio Revised Code Section 119.03

4. **What statute(s) grant rule writing authority?** Ohio Revised Code Section 4735.10

5. **What statute(s) does the rule implement or amplify?** Ohio Revised Code Sections 4735.10, 4735.16 & 4735.18

6. **Does the rule implement a federal law or rule in a manner that is more**

stringent or burdensome than the federal law or regulation requires? No

A. If so, what is the citation to the federal law or rule? Not applicable

7. What are the reasons for proposing the rule?

The rule is subject to five-year rule review.

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

No changes are proposed. This rule establishes the requirements how a licensee advertises as being a part of a team.

9. Does the rule incorporate material by reference? No

10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75 please explain the basis for the exemption and how an individual can find the referenced material. Not Applicable

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule. Not Applicable

II. Fiscal Analysis

12. Please estimate the **increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

What is the dollar amount for this estimate?

\$0.00

The Division will not see any change in agency's revenues or expenditures due to the proposed no changes to the rule.

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

There is no adverse impact with the current no change proposal. Under the existing rule, a licensee could be subject to sanctions by the Ohio Real Estate Commission for non-compliance with the rule. Pursuant to ORC 4735.051(I), the Commission has the authority to impose a range of sanctions: a public reprimand, additional education, a fine not to exceed \$2,500.00 per violation, a license suspension for a term set by the commission, and/or a revocation of the license. The sanctions are assessed based upon the violation found, individual facts of the case and mitigating circumstances in

each case.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business. Any monetary sanctions ordered by the Commission will be used to defray the costs associated with the administration of Ohio Revised Code Chapter 4735.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common-Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? Yes
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes. A failure to comply with this rule could result in administrative sanctions.
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies? No

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No
 - A. How many new regulatory restrictions do you propose adding to this rule? None
 - B. How many existing regulatory restrictions do you propose removing from this rule? None

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions. Not applicable.

D. Please justify the adoption of the new regulatory restriction(s). Not applicable