

Resolution No. 1168-17

AN EMERGENCY RESOLUTION

Council Member K. Johnson

Urging the Ohio Attorney General and Superintendent of the Ohio Department of Commerce, Division of Real Estate and Professional Licensing to vigorously enforce and collect civil penalties assessed as disciplinary actions for violating the Ohio Revised Code Section 4735.02 requirement that no person or corporation advertise, act or assume to act as a real estate broker or salesperson without first being licensed under ORC Chapter 4735.

WHEREAS, Ohio Revised Code (ORC) Section 4735.02 provides that no person, partnership, association, limited liability company or 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; and

WHEREAS, after an investigation and hearing, the Ohio Real Estate Commission (Commission) shall decide whether to impose disciplinary sanctions upon a party for violating ORC Section 4735.02, and may assess a civil penalty, in an amount it determines, not to exceed one thousand dollars per violation; and

WHEREAS, if a party fails to pay a civil penalty assessed as disciplinary action for violating ORC Section 4735.02's license requirement within the time prescribed by the Commission, the Superintendent of the Ohio Department of Commerce, Division of Real Estate and Professional Licensing (Superintendent) shall forward to the Attorney General the name of the party and the amount of the civil penalty, for the purpose of collecting that civil penalty and any fee assessed by the Attorney General for collection of the civil penalty; and

WHEREAS, the Superintendent may reserve the right to bring a civil action against a party that fails to pay a civil penalty for breach of contract; and

WHEREAS, this Council urges the Ohio Attorney General and Superintendent to vigorously enforce and collect civil penalties assessed against parties as disciplinary actions for violating the ORC Section 4735.02 license requirement by selling real estate without a license; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council urges the Ohio Attorney General and Superintendent of the Ohio Department of Commerce, Division of Real Estate and Professional Licensing to vigorously enforce and collect civil penalties assessed as disciplinary actions for violating the Ohio Revised Code Section 4735.02 requirement that no person or corporation advertise, act or assume to act as a real estate broker or salesperson without first being licensed under Chapter 4735.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to the Ohio Attorney General, Mike DeWine, and the Superintendent, Anne Petit.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

