



# AGENCY DISCLOSURE STATEMENT

*This form is NOT a contract*



Whether you are listing, buying, or leasing property, a real estate agent can provide you with expertise and assistance. In some cases, you will be represented by the real estate agent as his/her client; in other instances you may be working with the agent as a customer.

This form is being provided to help you understand the role of the real estate agent and broker in your real estate transaction. It is also intended to help you understand the role of other agents who may be involved in your transaction.

When you agree to be represented by a real estate agent, the brokerage the agent works for also becomes your agent. Legally, the other agents in the brokerage do not represent you unless they are a manager in the brokerage, or unless you agree that these other agents will also represent you.

The following is information about the different relationships that can be created between you and a real estate agent in Ohio. (For purposes of this form the term "seller" also includes a landlord and the term "buyer" also includes a tenant.)

## **Seller's Agency:**

In this type of relationship, the agent (and the brokerage the agent works for) owe the seller loyalty, obedience, confidentiality, accounting, and reasonable skill and care in performing their duties, and any other duties contained in an agency agreement. The agent and brokerage are required to act solely on behalf of the seller's interests to seek the best price and terms for the seller. Finally, a seller's agent and brokerage also have an obligation to disclose to the seller all material information obtained from the buyer or from any other source.

## **Subagency:**

In this type of relationship, a seller may authorize the listing agent and brokerage to offer "subagency" to other agents/brokerages. Basically this means the listing broker would solicit other brokers and agents to also work toward the seller's goal of trying to sell the property. A subagent would also represent the seller's interests and has all of the same duties as the listing agent, including loyalty and confidentiality and the obligation to disclose all material facts to the seller.

## **Buyer's Agency:**

In this type of relationship, a buyer's agent (and the brokerage the agent works for) owe the buyer loyalty, obedience, confidentiality, accounting, and reasonable skill and care in performing their duties and any other duties contained in an agency agreement. The agent and brokerage are required to act solely on behalf of the buyer's interests to seek the best price and terms for the buyer. A buyer's agent and brokerage also have an obligation to disclose to the buyer all material information obtained from the seller or from any other source.

## **Disclosed Dual Agency:**

In this type of relationship, one agent may represent both parties in a real estate transaction, but only if both parties consent. Disclosed dual agency is most likely to occur when both the buyer and seller are represented by the same agent. If this happens, the buyer and seller must sign a dual agency disclosure statement that describes the duties and obligations of the dual agent. A dual agent may not disclose any confidential information that would place one party at an advantage over the other party and may not advocate or negotiate on behalf of either of the two parties.

## **In-Company Transactions**

An in-company transaction is one in which the seller and buyer are each represented by two separate real estate agents who both work for the same brokerage. (This is sometimes referred to as "split" agency.) In this instance, the brokerage is a dual agent representing both buyer and seller. However, the two agents can legally represent the separate interests of each of their clients. The only exception to this would be if one or both of the agents are in a management position in the brokerage. In that instance, the manager(s) would also have to be a dual agent.

In instances where this "split" agency occurs the brokerage is required to objectively supervise the agents involved so they can each fulfill their duties to their respective clients and assist the parties, in an unbiased manner.

However, because the brokerage is a dual agent it cannot:

- Advocate or negotiate on behalf of either the buyer or seller, or
- Disclose confidential information to any party or any other employee or agent of the brokerage, or
- Use confidential information of one party to benefit the other party to the transaction.

# Disclosure of Agency Relationship

(THIS FORM IS NOT A CONTRACT)

The real estate agent who is providing you with this form is required to do so by Ohio law. It does not, by itself, obligate you to work with this agent or his/her brokerage; nor will you be bound to pay any compensation to the agent or the agent's brokerage by merely signing this form.

Instead, the purpose of this form is to make sure you have the necessary information you need to know about the role of this agent if you choose to work together. By signing, you acknowledge that you have been provided this information and agree to it. If you do not, you can consult with an attorney for further advice.

As a potential seller/landlord or buyer/tenant of real estate I understand and agree that

\_\_\_\_\_ and \_\_\_\_\_ will:

(Agent)

(Brokerage)

- Represent the seller/landlord  
 Represent the buyer/tenant

I also understand and agree that the following may also possibly occur in a real estate transaction in which I may be involved with this agent:

- The same agent who represents me could potentially represent the other party in a transaction involving me. The agent and brokerage would then both be **dual agents**.
- A different agent in the same brokerage could potentially represent the other party in a transaction involving me. Each agent would represent the interests of their separate client. The brokerage would be a **dual agent**. A management level licensee is also a dual agent if representing a client in an in-company transaction.

I have reviewed the information on the reverse side of this form and I have been given a completed copy of this Disclosure of Agency Relationship.

\_\_\_\_\_  
(Buyer or Tenant) (Date) (Seller or Landlord) (Date)

\_\_\_\_\_  
(Buyer or Tenant) (Date) (Seller or Landlord) (Date)

## To be completed only in an in-company transaction involving two agents ("Split" Agency)

Both buyer/tenant and seller/landlord acknowledge and agree that in a contemplated transaction involving property located at \_\_\_\_\_ the buyer/tenant is represented by \_\_\_\_\_ and the seller/landlord is represented by \_\_\_\_\_

By initialing below both parties acknowledge and agree that they are aware that both agents are affiliated with the same brokerage; that each agent will represent the separate interests of their separate client, (unless a management level licensee is one of the agents involved in the transaction); that it was previously disclosed that this could occur; and that they consent to the brokerage acting as a dual agent.

Buyer/Tenant's initials: \_\_\_\_\_  
Date: \_\_\_\_\_

Seller/Landlord's initials: \_\_\_\_\_  
Date: \_\_\_\_\_



Any questions regarding the role or responsibilities of the brokerage or its agents can be directed to an attorney or to:  
Ohio Division of Real Estate and Professional Licensing  
77 S. High Street, 20th Floor  
Columbus, OH 43266-0547  
(614)466-4100

