



## Ohio Revised Code

### Section 4735.62 Fiduciary duties generally.

Effective: September 29, 2011

Legislation: House Bill 153 - 129th General Assembly

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In representing any client in an agency or subagency relationship, the licensee shall be a fiduciary of the client and shall use the licensee's best efforts to further the interest of the client including, but not limited to, doing all of the following:

- (A) Exercising reasonable skill and care in representing the client and carrying out the responsibilities of the agency relationship;
- (B) Performing the terms of any written agency agreement;
- (C) Following any lawful instructions of the client;
- (D) Performing all duties specified in this chapter in a manner that is loyal to the interest of the client;
- (E) Complying with all requirements of this chapter and other applicable statutes, rules, and regulations, including the Ohio fair housing law, division (H) of section 4112.02 of the Revised Code, and the federal fair housing law, 42 U.S.C.A. 3601, as amended;
- (F) Disclosing to the client any material facts of the transaction of which the licensee is aware or should be aware in the exercise of reasonable skill and care and that are not confidential information pursuant to a current or prior agency or dual agency relationship;
- (G) Advising the client to obtain expert advice related to material matters when necessary or appropriate;
- (H) Accounting in a timely manner for all moneys and property received in which the client has or may have an interest;



(I) Keeping confidential all confidential information, unless the licensee is permitted to disclose the information pursuant to division (B) of section 4735.74 of the Revised Code. This requirement includes not disclosing confidential information to any licensee who is not an agent of the client.

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