



**COLDWELL BANKER  
REALTY**

# CONSUMER GUIDE TO AGENCY RELATIONSHIPS



We are pleased you have selected Coldwell Banker Residential Real Estate LLC d/b/a Coldwell Banker Realty to help you with your real estate needs. Whether you are selling, buying or leasing real estate, Coldwell Banker Realty can provide you with expertise and assistance. Because this may be the largest financial transaction you will enter into, it is important to understand the role of the agents and brokers with whom you are working. On these pages is information that explains the various services Coldwell Banker Realty can offer and our options for working with you.

## **REPRESENTING SELLERS**

Most sellers of real estate choose to list their home for sale with a real estate brokerage. When sellers do so, they sign a listing agreement that authorizes the brokerage and the listing agent to represent their interests. As the seller's agent, Coldwell Banker Realty and the listing agent must: follow the seller's lawful instructions, be loyal to the seller, promote the seller's best interests, disclose material facts to the seller, maintain confidential information, act with reasonable skill and care and, account for any money they handle in the transaction.

## **REPRESENTING BUYERS**

When purchasing real estate, buyers usually choose to work with a real estate agent as well. Often the buyers want to be represented in the transaction. This is referred to as buyer's agency. Coldwell Banker Realty and the buyer's agent that represents a buyer's interest in a transaction must: follow the buyer's lawful instructions, be loyal to the buyer, promote the buyer's best interests, disclose material facts to the buyer, maintain confidential information and, account for any money they handle in the transaction.

## **CONTEMPORANEOUS OFFER DISCLOSURE**

Ohio law permits real estate agents and brokers to represent more than one buyer at a time and to show each buyer the same properties. In some instances, more than one buyer represented by the same agent may want to make an offer to purchase the same property that will be considered by the seller at the same time. Under Ohio law, this is referred to as "contemporaneous offers". If this occurs, Ohio law requires that you be notified in writing of this fact by your agent. This written notice can be communicated via email or text message. If written notification cannot be delivered to you in a timely manner, your agent can provide this notice to you verbally. If you are notified that a contemporaneous offer situation exists, you can request to be referred to another licensee.

Finally, your agent is not permitted to disclose the identity of the buyers or the terms of their offers to purchase. This information is considered confidential information under Ohio law and must be maintained by the agent/broker.

## **DUAL AGENCY**

Occasionally the same agent who represents the seller also represents the buyer. This is referred to as dual agency. When Coldwell Banker Realty and its agents become "dual agents," they must maintain a neutral position in the transaction. Coldwell Banker Realty and the agent may not advocate the position of one client over the best interests of the other client or disclose any confidential information to the other party without written consent. In the event that you refuse to consent to dual agency or seek to terminate the agency relationship as a result of the proposed dual agency, Coldwell Banker Realty management may determine which agency relationship to terminate. You may request that a separate agent of Coldwell Banker Realty be appointed to represent your interests or you may terminate your agency relationship and seek representation from another brokerage, however, you may be obligated to pay a commission to Coldwell Banker Realty.

## **DIFFERENT COLDWELL BANKER REALTY AGENTS REPRESENTING THE BUYER AND SELLER**

On occasion, the buyer and seller will each be represented by two different agents from Coldwell Banker Realty. In this case, the agents may each represent the best interest of their respective clients, but Coldwell Banker Realty and its management level licensees will be considered dual agents. As a dual agent, Coldwell Banker Realty and its management level licensees will maintain a neutral position and cannot advocate for the position of one client over another. Coldwell Banker Realty will also protect the confidential information of both parties.

**SUBAGENCY**

Coldwell Banker Realty does not act as a subagent nor allow other brokerages to act as a subagent for a seller.

**COOPERATING WITH OTHER BROKERAGES**

Coldwell Banker Realty will cooperate with other brokerages on an equal and consistent basis. This means Coldwell Banker Realty and its agents will make its listings available to other brokerages to show, provide information that is not confidential, and present all offers written by other brokerages in a timely and objective manner. A buyer's broker, at the direction of a seller, may be compensated by a seller directly or by a seller through Coldwell Banker Realty's offer of compensation, even though the buyer's broker represents the buyer's interests. Alternatively, a buyer's broker may be compensated directly by the buyer pursuant to an agreement between buyer and buyer's broker. Coldwell Banker Realty may accept compensation from sellers and listing brokers even though Coldwell Banker Realty represents the buyer. Coldwell Banker Realty will not offer compensation to nor cooperate with subagents.

**BROKER COMPENSATION**

Brokerage commissions are not set by law, are fully negotiable, and may be paid by the seller, the buyer, the landlord, the tenant, or a third party, or by sharing or splitting the fees and commissions between brokers.

**UNREPRESENTED CUSTOMERS**

Coldwell Banker Realty may work with unrepresented customers, provide unrepresented customers with non-confidential information, and write offers to purchase or lease property, but will not act as the agent of unrepresented customers. It is important for unrepresented customers to understand that Coldwell Banker Realty and Coldwell Banker Realty's agents have duty of full disclosure to the seller or buyer they are representing, unrepresented customers should not share any information that they would not want the buyer or seller represented by Coldwell Banker Realty to know.

**AUDIO-VIDEO SURVEILLANCE**

Residential or commercial property may have surveillance devices installed which may have audio-video recording or transmitting technology. Such surveillance devices include security systems, video doorbells, nanny cams, and other technology which may be recording or transmitting audio-video during a viewing of the property. Additionally, such devices may capture video of the inspection of the property. This notice is to allow the prospective buyers and other parties visiting a property to be aware that their conversations and actions while visiting property may not be private.

**A SIGNED COPY OF THIS CONSUMER GUIDE TO AGENCY RELATIONSHIPS MUST BE RETAINED BY THE BROKER.**

---

*Ohio law requires that Coldwell Banker Realty provide you this Consumer Guide and ask you to sign the form below, acknowledging receipt of this Consumer Guide. Your signature will not obligate you to work with our company if you do not choose to do so.*

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Name (Please Print)

Signature

Date

Signature

Date

We hope you find this information to be helpful to you as you begin your real estate transaction. When you are ready to enter the transaction, you will be given an Agency Disclosure Statement that specifically identifies the role of the agents and brokerages. Please ask questions if there is anything you do not understand.

**FAIR HOUSING & BLOCKBUSTING STATEMENT:** It is illegal, pursuant to 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, to refuse to sell, transfer, assign, rent, lease, sublease or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of race, color, religion, sex, familial status as defined in section 4112.01 of the Revised Code, ancestry, military status as defined in that section, disability as defined in that section, or national origin or to so discriminate in advertising the sale or rental of housing, in the financing of housing, or in the provision of real estate brokerage services. It is also illegal, for profit, to induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry into the neighborhood of a person or persons belonging to one of the protected classes.

Corporate Offices  
8800 Lyra Drive Ste 625  
Columbus, OH 43240

©2024 Coldwell Banker Realty. All Rights Reserved. Operated by a subsidiary of Realty Brokerage Group LLC. Coldwell Banker and the Coldwell Banker Logo are registered service marks owned by Coldwell Banker Realty. Real estate agents affiliated with Coldwell Banker Realty are independent contractor sales associates and are not employees of Coldwell Banker Realty.