



# Oregon Real Estate News-Journal

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No. 2

## ADVERTISING ... FOLLOW THE RULES!

*Scott W. Taylor, Real Estate Commissioner*

Prior to the implementation of SB 446 in July 2002, the rules regarding advertising received a thorough review by the Agency and the industry. Subsequently, one significant amendment has been made to clarify requirements relative to advertising such as when someone uses an MLS member's website to search for properties appearing in the MLS, of a particular type.

The rules for advertising can be found at OAR 863-015-0125 (available on the Agency's website, [www.rea.state.or.us](http://www.rea.state.or.us)). All licensees should be intimately familiar with these rules. In recent years, due to the Internet, personal marketing, "teams," and the like; writing rules that allow for innovation, changing marketing strategies, and still provide sufficient oversight for consumer protection has been a challenge.

To begin with, it is important that licensees remember that **listings are taken in the name of the brokerage firm, and are the property of the brokerage firm.** Therefore, the firm is ultimately responsible to the client and the consumer for the content of

any advertising done under its auspices. Though many associates pay for advertising on their listings as well as for their own personal promotion, the firm is still responsible for what any advertisement says.

The rules contain certain requirements, including:

- Advertising must be done in the company's name.
- Advertising shall not imply that a licensee associated with the firm is responsible for the operation of the firm unless the licensee is responsible for the operation of the brokerage.
- Though advertising may contain direct telephone numbers or other contact information, it shall also include the telephone number to contact the principal broker.
- A principal broker, in firms with principal brokers, must review and approve all advertising *prior to use*.
- Associates must make their advertising immediately available to the principal broker *prior to use*.
- Licensees shall not advertise properties listed with another firm without written permission [see



Commissioner Scott Taylor

OAR 863-015-0125(6) regarding IDX (Internet Data Exchange)].

- The same basic rules also apply to Internet advertising. See OAR 863-015-0125(9) for additional rules specific to Internet advertising.

It should go without saying that advertising must be truthful and not misleading.

**ADVERTISING:** *continued on page 2*

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Many of the complaints the Agency receives about advertising come from other licensees who often rightfully complain that their colleagues are not playing by the rules. Many of these complaints are about print advertising. Perhaps the biggest cause of complaints from other licensees is competitors' classified or other print media ads do not have the name of the brokerage firm or the principal broker contact number included in the ad.

Principal brokers are reminded that it is their responsibility to review and approve all advertising done in the company name *prior to use*.

Licensees affiliated with principal brokers are reminded that they must have their advertising reviewed and approved by their principal broker *prior to use*.



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**LICENSEE SEARCH NOW AVAILABLE**

The Agency's website at [www.rea.state.or.us](http://www.rea.state.or.us) is frequently updated with information and tools useful to licensees. Recent additions and changes include

- an online licensee search tool,
- a general delivery e-mail address,
- new forms,
- "Frequently Asked Questions"
- an update of administrative rules information.

The Licensee Search tool allows website visitors to search for both active and inactive individual Oregon real estate licensees and real estate businesses registered with the Agency. A copy of the entire business name database (in CSV format) can also be downloaded from the site.

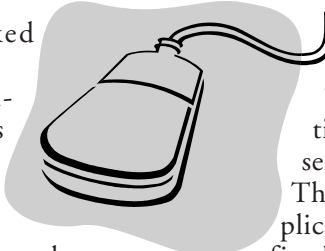
Website visitors can also send e-mails to the Agency's general delivery mailbox by clicking "how to contact us" on the home page, and the link under "e-mail" on the "contact" page. Or, you can send an e-mail directly to the Agency at [orea.info@state.or.us](mailto:orea.info@state.or.us). The Agency

checks the mailbox twice daily, provides an acknowledgement upon receipt, and responds to the question as soon as possible. The use of the mailbox has been greater than expected, with over 250 e-mails received in the first two months of installation.

Many forms can be downloaded by clicking "Online Forms, Publications and Brochures" and selecting the desired form. The license examination application, license change and final agency acknowledgement, and the exam roster and pass list subscription forms were recently added to the forms available for downloading.

Answers to "Frequently Asked Questions" are available for both consumers (click "Consumer FAQs"), and licensees and license applicants (click "Frequently Asked Questions").

Finally, information listed under "Administrative Rules" was updated to reflect permanent adoption of temporarily filed rules.



**FINGERPRINTING SERVICE DISCONTINUED**



The Agency has provided a fingerprinting service to license applicants for many years. After an analysis showed that the Agency's service is underutilized and the availability of good alternatives, the

Agency determined it will discontinue the service, effective July 1.

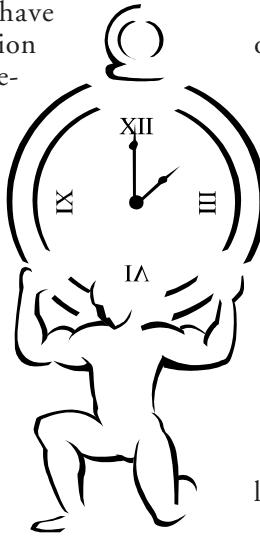
The nearest alternative for the Agency's service is: Oregon State Police, Identification Services; 3772 Portland Rd NE, Salem, OR; 503-378-3070; Monday - Friday, 8 am - 4:30 pm, no appointment necessary; cost: \$10.

The service is also available statewide through law enforcement agencies, through some private real estate schools, and through fingerprinting services listed in the telephone directory yellow pages.

## PROPERTY MANAGER DEADLINE IMMINENT

Temporary property managers who have completed the Property Manager Transition Course must send proof of course completion to the Agency with a postmark no later than June 30, 2004. Failure to do so will result in cancellation of the property manager license.

On July 1, 2002, existing property manager licenses were converted to temporary property manager licenses. Those licensees were given two years to complete the Property Manager Transition Course. Any licensee who has not completed that requirement will have their license cancelled July 1, 2004.



If proof of completion is not received or postmarked by June 30, 2004, the temporary property manager's license will be cancelled. Shortly after the June 30, 2004 deadline, the Agency will mail a cancellation notice indicating that the license was cancelled effective July 1, 2004.

To receive a property manager license after a license is cancelled, a former licensee would need to meet all the pre-license requirements again, including the background check, coursework, and license examination.

## PROCEDURES FOR HANDLING EARNEST MONEY CHECKS

*(Editor's note: Following is an update of an article published in the June, 2001 OREN-J regarding amendment of a rule related to earnest money checks.)*

OAR 863-015-0255(3), allows brokers to hold earnest money checks until an offer is accepted or rejected, instead of depositing the funds in their client's trust account or in escrow as was a prior requirement. There is no change to the rules regarding how notes are handled. The existing rules as they would be used in a normal transaction are reviewed below.

A check received as earnest money may be held undeposited until the offer is either accepted or rejected. To hold the check, the sale agreement must contain a statement that the check is being held, and where and when the check will be deposited after the offer is accepted. The expectation is that the sale agreement statement specify that the check will be deposited in

a specific brokerage client's trust account (CTA) or escrow company within three business days of acceptance [OAR 863-015-0255(3)]. The earnest money check should be made payable to the place it will be deposited.

If the offer or a subsequent counter offer is rejected, the broker must return the check to the buyer within a reasonable time, obtain a receipt from the buyer for the returned check, and keep the receipt in the broker's records [OAR 863-015-0255(11) and ORS 696.301(4)].

If the offer or a subsequent counter offer is accepted the broker has three business days to deposit the check in escrow or in the broker's CTA [OAR 863-015-0255(3)]. If the check is forwarded to escrow, escrow will issue a receipt for the check, [OAR 863-050-0100(3)], which must be placed in the broker's records.



The broker must institute policies regarding the handling of checks, maintaining copies of checks received, obtaining receipts upon return of checks and keeping appropriate record consistent with OAR 863-015-0260.

In each case brokers can use their licensees to forward checks to escrow after offers are accepted or return them to buyers after offers are rejected, provided the broker allows this practice pursuant to the written company policy [OAR 863-015-0255(2)]. Brokers must also act appropriately to protect the checks they are holding from theft, loss, or conversion.

## REQUIREMENTS TO KEEP YOUR LICENSE

Real estate license law changed July 2002. If you were licensed as a salesperson or property manager on June 30, 2002, or obtained your first real estate license after July 1, 2002, you must take action to keep your license. Here is what you must do.

### If you were an active or inactive PROPERTY MANAGER on June 30, 2002:

1. Take the 36-hour Property Manager Transition Course. [For a list of schools, visit our web site at [www.rea.state.or.us](http://www.rea.state.or.us) or call us at (503) 378-4170. The course can be used to satisfy continuing requirements.]
2. After finishing the course, send the following items to the Real Estate Agency at 1177 Center Street NE, Salem, OR 97301:
  - your original Property Manager Transition Course certificate; and
  - your temporary property manager license.

We will send you a property manager license.

**Deadline: June 30, 2004.** If the Agency has not received your Property Manager Transition Course certificate postmarked by June 30, 2004, your license will be cancelled. For more information on cancelled licenses, see below.

### If you are an active or inactive ASSOCIATE BROKER (former SALESPERSON)\*, you must:

1. Take the 30-hour Associate Broker Transition Course. [For a list of schools, visit our web site at [www.rea.state.or.us](http://www.rea.state.or.us) or call us at (503) 378-4170. The course can be used to satisfy continuing education requirements with your principal broker's permission.]
2. After finishing the course, send the following items to the Real Estate Agency at 1177 Center Street NE, Salem, OR 97301:
  - your original Associate Broker Transition Course certificate; and
  - your original associate broker license.

We will send you a broker license.

**Deadline: June 30, 2005.** If the Agency has not received your Associate Broker Transition Course certificate postmarked by June 30, 2005, your license will be cancelled. For more information on cancelled licenses, see below.

*Note:* You do not need to complete the broker licensing exam.

\* These requirements apply if you were licensed as a salesperson on June 30, 2002. You automatically received a temporary associate broker license from the Agency in July, 2002. If you supervise a licensed personal assistant, additional requirements apply. Effective January 2, 2004, only principal brokers can supervise licensed personal assistants.

### If you are an active BROKER ORIGINALLY LICENSED after July 1, 2002, you must:

1. Take the 30-hour Advanced Real Estate Practices course from an approved course provider. [For a list of schools, visit our web site at [www.rea.state.or.us](http://www.rea.state.or.us) or call us at (503) 378-4170. The course can be used to satisfy continuing education requirements with your principal broker's permission.]
2. Submit proof of completion of the Advanced Real Estate Practices course to your principal broker. Your principal broker will then certify on your license renewal form that you have completed the course. *Do not send proof of course completion to the Real Estate Agency.*

**Deadline: First license renewal.** Your first license is valid from the date of issue for one year and then onto the last day of the month of your birthday. For example, if your first license was issued in June 2003, and your birthday is in July, your license would expire July 31, 2004.

### If your license is CANCELLED:

If you fail to complete the required transition course within the time allowed, your license will be cancelled. If your license is cancelled, you must immediately stop conducting licensed real estate or property management activity. To obtain a license again, you would need to complete all requirements for initial licensure before applying for a license. These requirements include pre-license education, the required license exam and a background check.

If you have questions about license requirements, please contact the Licensing Section at (503) 378-4170, selection 2. If you have questions about education or examination requirements, please contact the Education Section at (503) 378-4170, ext. 251 or 260.



## UPCOMING DEADLINES

Many revisions made to the Oregon Real Estate License Law, ORS 696, by the 2001 Legislature became effective July 1, 2002. However, some of the changes are phased in, giving licensees additional time to meet new requirements. Licensees affected by the changes should be aware of the following deadlines and take the steps necessary to satisfy requirements before the effective dates. Contact the Agency at (503) 378-4170, menu selection 2, for questions concerning any of the following deadlines.

<b>DEADLINE</b>	<b>FOR LICENSE CATEGORY</b>	<b>ACTION NECESSARY</b>
June 30, 2004	Temporary Property Managers (those licensed <i>prior</i> to July 1, 2002)	Submit verification for completion of "Property Manager Transition Course." Failure to submit verification results in termination of license. (Oregon Laws 2001, Chapter 300, Section 3)
June 30, 2005	Associate Brokers (formerly known as salespersons licensed <i>prior</i> to July 1, 2002)	Submit verification for completion of "Associate Broker Transition Course." Failure to submit verification results in termination of license. Applies to inactive as well as active associate brokers. (Oregon Laws 2001, Chapter 300, Section 2)
First renewal of active broker license	Brokers (those originally licensed <i>after</i> July 1, 2002)	Complete "Advanced Real Estate Practice" course. Failure to complete the course results in the inability to renew the license. [ORS 696.174(3) and OAR 863-015-0055(4)]

## WHERE TO FIND CLASSES

New courses are approved and added to the Agency's list of approved classes regularly. Check out the Agency's web site at [www.rea.state.or.us](http://www.rea.state.or.us) for the latest list of providers approved to offer pre-license, post-license, and transition courses. You may also receive the list by mail by calling the Agency at (503) 378-4170, selection 2.

The following is a list of approved schools currently offering or scheduled to offer hard-to-find required courses:

### **Brokerage Administration and Sales Supervision**

American College of Real Estate (503) 247-9311  
 First American Title and Insurance Company (503) 219-8723  
 Gloria Rohl (503) 390-6375  
 onlineEd [www.onlineed.com](http://www.onlineed.com) or (503) 636-4580  
 ProSchools (503) 256-3645  
 Quality Real Estate School (541) 389-9585  
 Warren's Real Estate School (541) 997-1142

### **Property Manager Transition Course**

American College of Real Estate (503) 247-9311

### **Advanced Real Estate Practices**

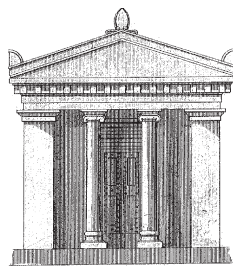
American College of Real Estate (503) 247-9311  
 The Coaching Institute (503) 302-4846  
 onlineEd [www.onlineed.com](http://www.onlineed.com) or (503) 636-4580  
 Quality Real Estate School (541) 389-9585  
 Real Estate Institute of Greater Portland (503) 665-6780  
 Windermere Services Co. (503) 220-1145

### **Real Estate Property Manager (pre-license)**

Lane Community College (541) 463-5906  
 Portland Community College (503) 977-4393  
 ProSchools (503) 256-3645  
 Warren's Real Estate School (541) 997-1142

# ADMINISTRATIVE ACTIONS

March 1, 2004 through May 31, 2004



*The Agency is required by Oregon Real Estate License Law to publish disciplinary actions. A list of those actions, a brief description of the situation, and the grounds for the Commissioner's action follows. Please note there are 60 days after the order date to file an appeal, and some of the orders listed may be within that appeal period. Please also note, there are individuals with real estate licenses that may have similar or the same names as those listed herein, or even work in the same market area. If you are in doubt if an individual listed here is someone you know or with whom you are dealing, please contact the Agency for verification.*

## REVOCATIONS

Hill, William S. (Vida) Broker #790500038  
Default order dated May 28, 2004, effective May 28, 2004; engaged in professional real estate practice while his license was suspended, ORS 696.301(30); commingled clients' money with money of his own by depositing earnest money checks into his business checking account, ORS 696.301(10); did not return an earnest money to a buyer for five months after the transaction failed, ORS 696.301(4); deposited earnest money into his business checking account instead of a CTA as set out in the earnest money agreements in three transactions, ORS 696.301(1); did not obtain a Disclosed Limited Agency consent from the principals while representing both seller and buyer in three transactions, OAR 863-015-0205; and failed to reconcile his CTA monthly from August 1998 through December 1998, OAR 863-010-0245 (1997 Edition).

## SUSPENSIONS

Bissonette, Mark A. (Redmond) Temporary Property Manager #930600021  
Default order dated March 29, 2004 issuing a 5 year suspension effective April 2, 2004; used an expired property management agreement to manage properties for two owners, used property management agreements that did not include a term for the management or an owner code, failed to recognize that the agreement he used for managing a property contained conflicting information as to the security deposits and prepaid rents, failed to hold the security deposits and last month's rent for a property in a security deposit CTA according to the rental agreement, failed to accurately list the tenant charges on the tenant ledgers, and failed to do a final accounting for tenants when the owner agreement was terminated, ORS 696.301(28); failed to record a \$70 screening fee on a tenant ledger, OAR 863-50-0050(4); failed to deposit security deposit funds into the security deposit CTA prior to disbursing the funds and failed to disburse the funds in the same accounting period in which they were received, OAR 863-025-0025(2); failed to notify an owner that he had not collected the full amount of the security deposit, OAR 863-025-0015(1)(a); and failed to reconcile his property management CTAs at least once each month, OAR 863-025-0025(5)(6).

Burling, Phillip R. (LaGrande) Principal Broker #790400348  
Stipulated order dated May 5, 2004 issuing a 30 day suspension effective May 5, 2004; failed to advise a buyer that there were

other offers on the table, ORS 696.815(2)(b); and failed to obtain a Buyer's Disclosed Limited Agency Agreement from a buyer prior to representing the sellers and the buyer in the transaction, OAR 863-015-0210(1)(2)(4).

Fleischer, Mark E. (Eugene) Broker #900500195  
Stipulated order dated April 14, 2004 issuing a 60 day suspension effective May 14, 2004; submitted demands for and accepted commissions from escrow, diverting such commissions from his principal broker, in three different transactions, ORS 696.301(2); and did not conduct his private transactions involving his purchase of two properties under the supervision of and did not transmit all documents through his principal real estate broker, OAR 863-015-0145(3).

## REPRIMANDS

Bodtker, Lisa I. (Eugene) Broker #961100243  
Stipulated order dated April 30, 2004; knowing her clients wanted to purchase the subject property to use in part as a rental, failed to either take reasonable steps to verify that the property would meet her clients' stated needs or failed to advise her clients to investigate the approved usage of the property, ORS 696.810(2)(a). Sellers listed their property in Junction City, Oregon. The property has an unattached building that received county building permits in 1992 as a non-residential accessory building (shop). A part of the shop was later improved to include a bathroom, bedroom, kitchen sink and stove (living quarters). None of the improvements to the shop received a building permit, and it was never

approved for use as a residential living space. The information in multiple listing showed the property as having 3 bedrooms, 3 bathrooms, 2,400 square feet, guest quarters and a huge shop. The buyers advised Bodtke that they were interested in using the shop/guest quarters as a rental. Bodtke neither took reasonable steps to verify that the property would meet her clients' stated needs nor did she advise them to investigate the approved usage of the portion of the property they wanted to use as a rental. The buyers signed an offer to purchase the subject property and the transaction closed on April 2, 2003. After the transaction closed, the buyers learned from the county that the shop was not approved by the county to be used as residential living space.

Clover, Dianna L. (Eugene) Broker #200005105  
Stipulated order dated May 17, 2004; acting first as the sellers' agent and later as a disclosed limited agent, failed to disclose to the sellers that her principal broker was married to the buyer, ORS 696.805(2)(b); failed to obtain a signed Disclosed Limited Agency Agreement for Buyer from her principal broker's husband, OAR 863-015-0205(1).

Collins, Kenneth W. (Grants Pass) Principal Broker #881100132  
Stipulated order dated April 28, 2004; permitted his licensees to use listing forms that failed to place the forfeited earnest money provision immediately above the seller's signature or have it initialed by the seller, ORS 696.241(6); failed to assure that his licensee secured a disclosed limited agency agreement from the seller prior to undertaking to represent both the buyer and seller in the transaction, failed to assure that his licensee secured

the buyers' signatures on the sale agreement, failed to assure that his licensee secured the date and time of signatures on the sale agreement, failed to assure that his licensee produced an earnest money promissory note as specified in the sale agreement, ORS 696.301(28); released \$1,500 of the \$2,500 earnest money from his CTA to an appraiser without the written authorization of the principals, and released the remaining \$1,000 earnest money from his CTA to the buyers upon termination of the transaction without being directed in writing by one or more of the principals, OAR 863-015-0255(13).

Currie, Valynn (Winston) Principal Broker #780303891  
Stipulated order dated April 9, 2004; advised her licensee to write a letter asking for a commission and sending copies to the parties in a transaction when she knew or should have known that the licensee was not the procuring cause of the sale, ORS 696.301(28).

DeGroot, Donald E. (Eugene) Temporary Associate Broker #200202183  
Stipulated order dated May 5, 2004; knew or should have known that the sellers' disclosure statement was incomplete and/or incorrect regarding the status of permits for the living quarters in the shop and did not refer his clients to an attorney to review the adequacy of the seller's disclosure, ORS 696.805(2)(a); knew or should have known that the square footage, bedrooms and bathrooms attributed to the home in the multiple listing service were incorrect, and failed to take reasonable actions to verify the veracity of the information used in the advertisements, ORS 696.301(6).

DeGroot, Gwendolyn D. (Eugene) Temporary Associate Broker #200202187  
Stipulated order dated May 5, 2004; knew or should have known that the sellers' disclosure statement was incomplete and/or incorrect regarding the status of permits for the living quarters in the shop and did not refer her clients to an attorney to review the adequacy of the disclosure, ORS 696.805(2)(a); knew or should have known that the square footage, bedrooms and bathrooms attributed to the home in the multiple listing service were incorrect, and failed to take reasonable actions to verify the veracity of the information used in the advertisements, ORS 696.301(6).

Krieg, L. Peter (Roseburg) Temporary Associate Broker #780506281  
Stipulated order dated March 17, 2004, which also requires the successful completion of certain education; failed to ensure a copy of the pest and dry rot inspection report or a written statement from the sellers regarding the inspection was attached to the sellers disclosure form as required, ORS 696.805(2) (1999 Edition); failed to take steps to get an original signature on a \$5,000 promissory note, failed to put a buyer's offer for a reduced price in writing in a timely manner, and treated the negotiations between the parties as critical to the creation of a contract when there already was a signed contract and the buyer's time for disapproving the property's condition had run out without an extension having been obtained, ORS 696.815(2)(b) (2001 Edition); failed to obtain a signed and dated disclosed limited agency agreement, OAR 863-015-0210 (2001 Edition); failed to have the seller acknowledge the existing  
**ADMINISTRATIVE. . . : continued on page 8**

**ADMINISTRATIVE. . . : continued from page 7**

agency relationship at the time of presenting the offer to purchase, ORS 696.845 (2001 Edition); failed to promptly deliver true, legible copies of the signed offer to both seller and buyer, OAR 863-015-0135(4) (2001 Edition); and failed to promptly transmit an earnest money check and transaction documents to his principal broker, OAR 863-015-0255(2) (2001 Edition).

Rapp, Valerie A. (Central Point) Broker #199911059  
Stipulated order dated May 17, 2004; made repairs and alterations to property she purchased prior to closing without proper written authorization to do so, ORS 696.810(2)(a); and failed to write the earnest money check on the date of the offer for property she was purchasing, as was represented; instead writing it two days later on the date the counter offer was accepted, ORS 696.810(2)(a)(b).

Shklayvel, Maria (Beaverton) Temporary Associate Broker #200002084  
Stipulated order dated March 15, 2004; removed or allowed attached window treatment holders and an included wet bar refrigerator to be removed from property in which she was the seller, and failed to advise the buyers that the irrigation system could produce water in the crawl space, ORS 696.301(28).

Snyder, Larry T. (Klamath Falls) Principal Broker #780403156  
Stipulated order dated March 3, 2004, which also requires the successful completion of certain education; failed to deposit a reservation deposit timely, OAR 863-025-0065(1); failed to ensure that his licensee obtain a tenant's signature on a rental

agreement, lead-based paint disclosure, and security deposit promissory note, ORS 696.301(29); transferred a tenant's security deposit from his security deposit CTA to his operating CTA and paid bills, including his management fees and an owner draw after management had been terminated by the owner, OAR 863-025-0030(4), OAR 863-025-0070(6); failed to maintain copies of the monthly owner reports showing all receipts and disbursements, OAR 863-025-0055(4); disbursed funds from the owner's ledger in excess of the ledger balance and prior to rent checks clearing, OAR 863-025-0025(3)(a); failed to prepare and maintain a chronological record of receipts and disbursements for either CTA that complies with the rules, OAR 863-025-0040; failed to account for the transfer of the tenant's security deposit to the operating CTA and for its subsequent use as payment of the tenant's rent on the tenant ledger, OAR 863-025-0050(4); did not properly reconcile either CTAs, OAR 863-025-0025(5)(6); and charged the owner for a carbon monoxide detector and smoke detectors in a dwelling when the management agreement specified that maintenance was to be done by the owner, ORS 696.301(28) (OAR 2002 Edition-6-15-02)

Snyder, Teresa N. (Klamath Falls) Temporary Associate Broker #961200113  
Stipulated order dated March 3, 2004, which also requires the successful completion of certain education; entered into a reservation agreement with a tenant prior to the time she had a management agreement for the property, OAR 863-025-0020(2); failed to deposit a reservation deposit timely, OAR 863-025-

0065(1); failed to have a rental agreement, lead-based paint disclosure and security deposit promissory note signed by a tenant, OAR 863-025-0015(1)(a); requested that a tenant pay rent to her office after being told by the owner that he was terminating the management agreement, ORS 696.301(28); and charged the owner for a carbon monoxide detector and smoke detectors in a dwelling when the management agreement specified that maintenance was to be done by the owner, ORS 696.301(28).

Steiner, Judy K. (McMinnville) Property Manager #940600190  
Stipulated order dated March 9, 2004; failed to accurately credit tenant rents, charged an owner for a pro-rated portion of the cost of checks which was not authorized in the agreement, used credits on the owner ledger instead of checks and deposits, applied \$300 to late fees in the mistaken belief that she was permitted to do so, ORS 696.301(28); failed to list funds received from the rental of tables at a flea market and screening fees on the tenant ledgers, OAR 863-025-0050(1); and failed to deposit and maintain all tenant security deposits in the security deposit account, OAR 863-025-0050(1).

**CIVIL PENALTIES**

American Title Group, Inc. (Eugene) Escrow Agent #930800117  
Stipulated order dated April 26, 2004 issuing a \$500 civil penalty; paid a commission directly to the selling agent, contrary to the written escrow instructions of the principals, OAR 863-050-0055(8) (2002 Edition / 6-15-02).

Cascade Escrow (Eugene) Escrow Agent #850700128 Stipulated order dated March 9, 2004 issuing a \$1,000 civil penalty; paid a commission directly to the listing agent, contrary to the written escrow instructions of the principals in two escrows, OAR 863-050-0055(8) (2002 Edition / 6-15-02).

First American Title Company of Columbia County (St. Helens) Escrow Agent #880900119 Stipulated order dated May 7, 2004 issuing a \$2,500 civil penalty; failed to meet bonding requirements for 105 days, from

January 1, 2004 through April 14, 2004, ORS 696.525(2)(c).

Martin, Samuel, Jr. (Central Point) Temporary Associate Broker #200107119

Stipulated order dated March 19, 2004 issuing a \$350 civil penalty; failed to renew real estate license for a period of time while continuing to conduct professional real estate activity, OAR 863-15-0050(2).

Phillips, Steven C. (Eugene) Broker #790600003

Stipulated order dated April 28, 2004 issuing a \$500 civil pen-

alty; failed to renew real estate license for a period of time while continuing to conduct professional real estate activity, OAR 863-15-0050(2).

Ticor Title Insurance Company (Portland) Escrow Agent #920900176

Stipulated order dated May 18, 2004 issuing a \$1,000 civil penalty; failed to meet bonding requirements for 15 days, from February 23, 2004 through March 8, 2004, ORS 696.525(2)(e).



## ESCROW CONTINUING EDUCATION

SB 207, which passed during the 2003 Session, made several changes to laws regulating escrow agents including a new continuing education requirement.

ORS 696.511(6)(a) requires an escrow agent to provide, for license renewal, "A certification of training, by which the applicant certifies that the applicant provides escrow agency staff within Oregon with an average of six hours or more of training per year per permanent, full-time employee in subjects that bear directly on the administration of escrows..."

Escrow license renewal applications were mailed by the Agency to escrow agents in May and are due June 30, 2004. The renewal applications contain a certification statement that the continuing education requirements were met. The

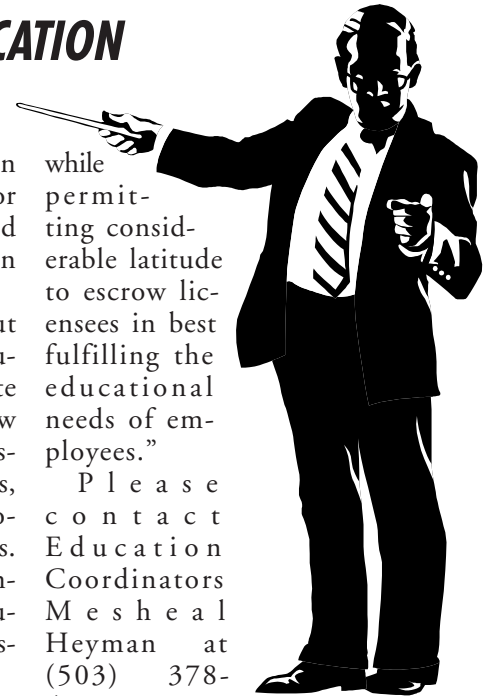
escrow agent should assure that the training is provided to employees, retain the documentation (e.g., certificate of attendance) for potential audit by the Agency, and sign the certification statement on the renewal form.

The new law is similar to, but not as restrictive as, continuing education requirements for real estate licensees. For example, the escrow laws don't authorize the Commissioner to specify topics, adopt rules, or waive requirements, as authorized in the real estate licensee laws. The Agency does not approve continuing education courses or educators for either escrow or real estate licensees.

Commissioner Scott Taylor notes, "The Agency considers the continuing education requirement a positive addition to the laws,

while permitting considerable latitude to escrow licensees in best fulfilling the educational needs of employees."

Please contact Education Coordinators Meshel Heyman at (503) 378-4170, extension 251, or Carmen Twenge at (503) 378-4170, extension 260, if you need additional information.



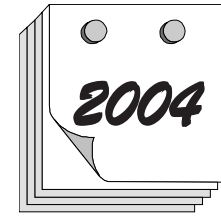
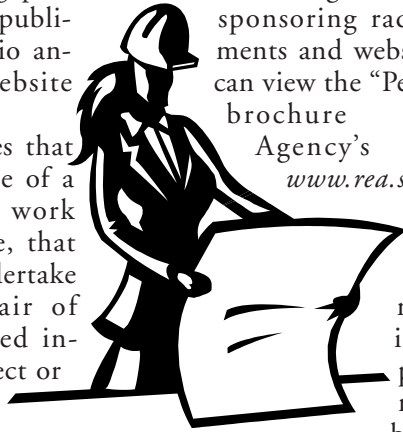
## BUILDING PERMITS INFORMATION

The State of Oregon Building Codes Division launched a campaign to inform homeowners of the need to obtain building permits. The campaign includes publication of brochures, radio announcements, and a website *www.PermitsProtect.info*.

The information notes that permits protect the value of a home by assuring that work meets the building code, that licensed contractors undertake construction and repair of homes, and that certified inspectors inspect the project or installation. The information also notes that the use of permits may facilitate a smoother home sale by insuring the home is safe for future occupants, rather than taking time for repair to bring installations up to code.

Several entities including the Oregon Real Estate Agency have partnered with the Division in distributing the information, sponsoring radio announcements and website links. You can view the "Permits Protect!" brochure on the Agency's website at *www.rea.state.or.us*.

You can obtain additional information regarding the campaign and the need to obtain building permits from Joan Stevens-Schwenger, (503) 872-6731. Stevens-Schwenger manages a Building Codes Division Tri-County Service Center in Portland.



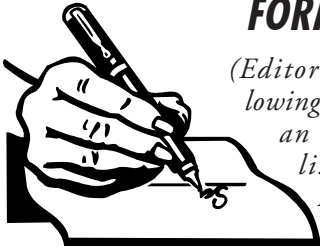
## 2004 CALENDAR

June 19	License Exams
June 28	Real Estate Board Meeting
June 30	See "Upcoming Deadlines" article (page 5) for information
July 24	License Exams
August 21	License Exams
August 23	Real Estate Board Meeting
September 18	License Exams
October 23	License Exams
October 25	Real Estate Board Meeting
November 20	License Exams
December 18	License Exams
December 20	Real Estate Board Meeting

Exam applications must be postmarked by the 5th day of the month to register for that month's examination. Please refer to the Real Estate License and Examination Information booklet, available from the Agency, for instructions on applying for a licensing examination.

## FORM SIGNATURE REQUIREMENTS

*(Editor's note: Following is a reprint of an article published in the December 2003 OREN-J.)*



Certain licensing forms filed with the Agency require signatures. The Agency adopted new signature requirements for business name registration and principal broker licensing to reflect the changes in license laws.

Actions that previously required signatures of two owners, officers or members of the firm now require only the signature of one authorized licensee. The authorized licensee can be a principal broker, sole practitioner broker or sole practitioner property manager. The licensee must sign a statement certifying under penalty of law that the lic-

ensee has the authority to request the action.

This change applies to the following actions:

- transfer of a principal broker to a registered business name (RBN);
- changing the status of an individual already licensed to an RBN to principal broker status;
- registration of a new or changed business name;
- establishment of affiliated or subsidiary RBNs.

For more information, please contact the Licensing Section at (503) 378-4170, selection 2.



