



# Oregon Real Estate News-Journal

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No. 2

## BENTLEY APPOINTED AS COMMISSIONER

**G**overnor Ted Kulongoski has announced the appointment of Gene Bentley as Real Estate Commissioner.

Mr. Bentley began his real estate career in 1979 with Norris, Beggs and Simpson after a successful management consulting career. He most recently held the position of Senior Vice President of the Capital Markets Group for the Trammell Crow Company in Portland. A Certified Commercial Investment Member (CCIM), Mr. Bentley specialized in investment sales. The Commercial Association of Realtors® Oregon/Southwest Washington (CAR) named him Commercial Realtor® of the Year in 1999, and Most Valuable

Broker in 2000.

Mr. Bentley is a past president of CAR and was a public member of the Oregon State Bar's disciplinary board. He participated on an Oregon Real Estate Agency's task force that recommended changes to Oregon Real Estate License Law.

A native of Portland, Mr. Bentley attended the University of Oregon. He and Corine currently live in suburban southwest Portland, and enjoy weekends at their cabin on Mt. Hood. He is an avid skier and has competed nationally and internationally.

The Real Estate Commissioner provides leadership and policy direction to the Oregon Real Estate Agency. This appointment



Acting Commissioner Gene Bentley

requires confirmation by the Oregon Senate.

## ONLINE LICENSE RENEWALS NOW AVAILABLE

Oregon real estate licensees can now renew their real estate licenses online from the Real Estate Agency's website at [www.rea.state.or.us](http://www.rea.state.or.us).

**It's Fast!** No need to wait for the mail. Use your office or your home computer.

**It's Convenient!** You can apply to renew your license anytime during your regular renewal period at *your* con-

venience . . . *24 hours a day, 7 days a week!* Your new expiration dates will be posted to the Agency's computer system within three business days.

**It's Secure!** You can pay online with Visa or MasterCard. Transactions are processed through the State of Oregon's Secure Payment Processor.

**ONLINE RENEWALS:** *continued on page 2*

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**ONLINE RENEWALS:** *continued from page 1*

**It's Simple!** All you need is your Social Security Number, a credit card and your Real Estate Agency license number. A printer is also helpful to print your Renewal Continuing Education Certification Signature Card, summary and credit card receipt.

**Don't Forget Continuing Education!** For active licenses, continuing education *must be* completed and certified on a Renewal Continuing Edu-

cation Certification Signature Card by the certifying licensee prior to renewing your license. See the Agency's website at [www.rea.state.or.us](http://www.rea.state.or.us) for more information on continuing education requirements.

**PLEASE NOTE:** If any of these situations apply to you at the time of renewal, you will **NOT** be able to renew online and will have to renew by mail:

- Transfer to a new company (Reg-

istered Business Name)

- Add a new Registered Business Name
- Change a business address
- Change a license status from active to inactive, or from inactive to active
- Change license type, i.e., from broker to sole practitioner broker or principal broker

*Editor's Note: See page 5 for additional articles on license renewal and license transfers.*

## REAL ESTATE AGENCY STAFF CHANGES

The Real Estate Agency continues to evolve as we say "good bye" to an 18-year veteran, and "hello" to new and returning staff members.

**Sharon Wood**, Investigator/Auditor, has announced that she will retire June 29. Ms. Woods started her

career with the Agency in 1989. In addition to spending more time with her grandchildren, she intends to pursue private sector opportunities.

**Leandra Cooley** recently joined the Agency as an Administrative Specialist. She provides support to the Administrative Services Section and the Commissioner's Office. Ms. Cooley comes to the Agency with 21 years of experience with the State of Oregon, most recently as a Judicial Assistant with the Oregon Judicial Department.



administrative law proceedings. She attended Clackamas Community College and Eastern Oregon University and majored in Business and Accounting.

**Louann Rahmig** began with the Agency as a temporary employee working on special projects. She was hired permanently in November as Education Coordinator. Ms. Rahmig has worked for the State of Oregon for more

than 16 years. Before working for the state, she spent 27 years with the United States Forest Service.

**Laurie Hall** has joined the Agency on a job rotation from the Oregon Employment Department. She works on special projects for the Agency, and recently assisted in the implementation of the Agency's new online renewal system.

**Virginia Grosso** has returned to her duties as an Investigator/Auditor after a leave of absence to attend Willamette University's College of Law.

The Agency wishes Ms. Woods well, welcomes Ms. Cooley, Ms. Dolan, Ms. Nass, Ms. Ohmer, Ms. Rahmig, and Ms. Hall, and welcomes back Ms. Grosso.

*Editor's Note: See the Agency's website at [www.rea.state.or.us](http://www.rea.state.or.us) for available employment opportunities.*

**Carol Dolan** accepted the position of Public Service Representative for the Licensing Section in January. She came to the Agency with a strong state government background, including over eight years as a Benefits Analyst with the Public Employees' Benefit Board.

**Kate Nass** was an Internal Auditor for the Oregon Judicial Department before being hired by the Agency as an Investigator/Auditor. Ms. Nass previously worked for Pioneer Trust Bank as an operations assistant. She received her Bachelor of Science in Business Administration from the University of Oregon.

**Shari Ohmer** was also hired as an Investigator/Auditor. Prior to coming to the Agency, Ms. Ohmer worked at the Oregon Department of Revenue as a Tax Auditor, and then as a Conference Officer, conducting ad-

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OREGON REAL ESTATE AGENCY  
Theodore R. Kulongoski, Governor  
Gene Bentley, Acting Commissioner

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- Troy Costales ..... Keizer
- Victor Kee ..... Astoria
- Arthur Kegler ..... Boardman
- Robert La Du ..... Portland
- Maxine Ribera-Card ..... Bend
- Marianne Wood ..... Eugene
- John Zupan ..... Medford

The *Oregon Real Estate News-Journal* is published four times a year by the Oregon Real Estate Agency as an educational service to all real estate licensees in the state under the provisions of Section 696.445 of the Oregon Revised Statutes. \$4.00/biennium subscription fee included in real estate license fee. All other subscriptions \$2.00 per year. POSTMASTER: Send address changes to *Oregon Real Estate News-Journal*, 1177 Center St. N.E., Salem, OR 97301-2505.

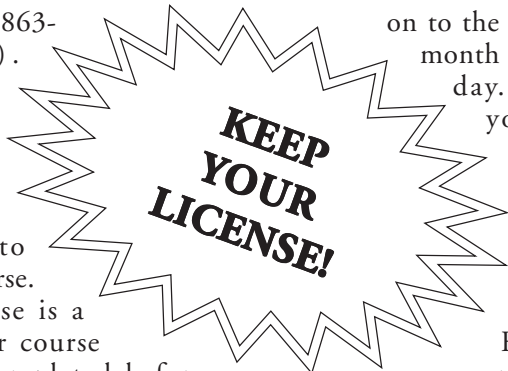
# ADVANCED PRACTICES COURSE REQUIRED FOR NEW, RELICENSED BROKERS

If you are a new Oregon broker, you must take the 30-hour Advanced Real Estate Practices (AP) course before your first active license renewal. You must complete the Real Estate Agency-approved AP course if you:

- received your very first Oregon real estate broker license on or after July 1, 2002; or
  - let a previous Oregon license expire (or otherwise lapse) and obtained a new broker license on or after July 1, 2002.
- Completion of the course is re-

quired by OAR 863-015-0055(4). Principal brokers, sole practitioner brokers and property managers are not required to take the AP course.

The AP course is a specific 30-hour course that must be completed before your first active license renewal. Your first license is valid from the date of issue for one year and then



on to the last day of the month of your birthday. This means your first renewal date may be less than 13 months after obtaining your license. For example, if your first license was issued in May 2007, and your birthday is in June, your license would renew June 30, 2008.

If your license is inactive at the time of renewal, you do not need to take the AP course until you reactivate your license.

Although the AP course requirement is separate from continuing education requirements, a principal broker may let affiliated brokers use the AP course to meet the continuing education requirements for license renewal.

If you do not know if you need to take the AP course, please contact the Agency at (503) 378-4170.

When affiliated brokers complete the AP course, the course certificate must be given to their principal broker. The principal broker signs the Renewal Continuing Education Certification Signature Card indicating that the course has been completed. The principal broker then keeps the certificate and Signature Card for six years as required by ORS 696.280(2) and (3), and OAR 863-015-0055(2)(c).

A list of approved providers for the AP course can be found in the document called "Approved Pre-License and Post-License Real Estate Education", which can be obtained by visiting the Agency's website at [www.rea.state.or.us](http://www.rea.state.or.us).

**You need to take the AP course to renew your ACTIVE BROKER LICENSE if:**

- the license is being renewed for the very first time.
- you had an Oregon real estate license, but let it expire or otherwise lapse. You have now re-licensed as a broker by meeting the current licensing requirements. Your first license renewal since re-licensing is now coming up.

**You need to take the AP course to activate your INACTIVE BROKER LICENSE if:**

- you obtained your very first broker license after June 30, 2002, but it has been inactive the entire time. You have renewed your inactive license at least once, and now you wish to activate it.
- you had an Oregon real estate license, but let it expire or otherwise lapse. You became re-licensed as a broker after June 30, 2002 by meeting the current licensing requirements, but have had an inactive license since then. You have renewed your inactive license at least once, and now wish to activate it.

**You do not need the AP course if:**

- you are a principal broker
- you are a sole practitioner broker
- you are a property manager
- your license is currently inactive (but you may need it to activate your license. See above.).

**Call the Agency if:**

- you have a reciprocal broker license.

## PRINCIPAL BROKER LICENSE: HOW TO GET IT, HOW TO MAINTAIN IT

Confusion seems to exist about when a licensee is allowed to change to, or maintain, the license category of principal broker.

First, to qualify for a principal broker license, you must:

- have three years of active, licensed real estate experience;
- pass both the state and national sections of the broker license exam; and
- successfully complete the 40-hour Brokerage Administration and Sales Supervision (BASS) course.

If you were licensed as a broker at anytime prior to July 1, 2002, and you have continuously maintained a real estate license since then, you have been “grandfathered in.” You do not need to meet any additional requirements to become a principal broker.

If your license was changed from a salesperson to a temporary associ-

ate broker with the law change, completion of the Associate Broker Transition Course (ABTC) *does not* replace the above requirements.

Secondly, Oregon Revised Statute (ORS) 696.010(10) defines a “principal real estate broker” as “an individual who is licensed as a principal real estate broker and who *employs, engages or supervises another real estate licensee*” (emphasis added). Therefore, even if you qualify to become a principal broker, you may not do so until you have a licensee to supervise. Likewise, if you are currently a principal broker, and the licensee(s) you supervise transfer or are otherwise not actively licensed, you cannot remain a principal broker.

The first time you change your license category to a principal broker, you must use the Broker License Application, which will be prepared by

the Real Estate Agency and mailed to you. The first time you become a principal broker, the fee is \$230.

If you are currently a principal broker, and need to change your license category to sole practitioner broker (because you no longer have a licensee you are supervising), use the Change License Category Form. The fee to make this change is \$10.

If you have been a principal broker before, and are currently an affiliated broker or sole practitioner broker, you can change your license category back to a principal broker (when you have a licensee to supervise) by using the Change License Category Form. The fee to make this change is \$10.

If you are unsure if you meet the qualifications to become a principal broker, please call the Licensing Section at (503) 378-4170, selection 0.

## TEMPORARY LICENSING RULES IN EFFECT

In the 2005 Legislative session, HB 2096 eliminated the Real Estate Agency’s authority to require the principal broker to return the license to the Agency when a broker is transferring to another principal broker. The Agency, working with the Real Estate Board and individuals in the industry, developed temporary rules that became effective on March 21, 2007. The goal of these new rules is to improve the communication between the broker and the principal

broker during these transfers.

These temporary rules will be in place for 180 days. A work group will be assembled to analyze the temporary rules and finalize them within six months. If you have any comments, please e-mail them to Louann Rahmig at [louann.p.rahmig@state.or.us](mailto:louann.p.rahmig@state.or.us). Until that time, the websites listed below provide the rules that describe the process requirements.

**Rules:** [\[docs/Temporary\\\_Licensing\\\_Rules\\\_3-21-07.pdf\]\(http://www.oregon.gov/REA/docs/Temporary\_Licensing\_Rules\_3-21-07.pdf\)](http://www.oregon.gov/REA/</a></p>
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**Temporary Rule Notice:**  
[www.oregon.gov/REA/docs/Narrative\\_Notice\\_and\\_Filing\\_Documents\\_for\\_Licensing\\_Rules\\_3-21-07.pdf](http://www.oregon.gov/REA/docs/Narrative_Notice_and_Filing_Documents_for_Licensing_Rules_3-21-07.pdf)

*Editor’s Note: Please see the article “New Forms for License Transfers, Changes” on page 5 for additional information about the new forms associated with these rules.*

### 2007 REAL ESTATE BOARD MEETING DATES, LOCATIONS

- |                     |         |
|---------------------|---------|
| ■ June 18, 2007     | Salem   |
| ■ August 20, 2007   | Astoria |
| ■ October 15, 2007  | Medford |
| ■ December 17, 2007 | Salem   |

*All Board meetings scheduled for Salem are held at 10 AM at the Oregon Real Estate Agency office, 1177 Center St. N.E. Call (503) 378-4170, extension 260, or visit [www.rea.state.or.us](http://www.rea.state.or.us), for additional information on Board activities.*

## OAR 863 REVIEW

The Real Estate Agency will embark on a complete review of Oregon Administrative Rules Chapter 863 starting this summer. The Agency invites comments or suggestions from any interested parties on possible changes to the rules.

You may reply to the Agency’s mailing address at 1177 Center St. NE, Salem OR 97301, or send an e-mail to [louann.p.rahmig@state.or.us](mailto:louann.p.rahmig@state.or.us).

## LICENSE RENEWAL PROCESS CHANGED

### The Real Estate Agency has updated the license renewal process. Please read this before your next license renewal.

Changes have been made to the real estate license renewal process to allow for the option of renewing online. (*Editor's Note: Please see "Online Renewals Now Available" on page 1.*)

When a real estate licensee receives a license renewal form, a "Renewal Continuing Education Certification Signature Card" will be included for those licensees renewing an active license. Instead of certifying on the renewal application that the required continuing education has been completed, the licensee (and the principal broker, if an affiliated broker) will complete the "Signature Card". The "Signature Card" must be kept with the continuing education certificates for six years per OAR 863-015-0055(2)(c).

Renewal applications for affiliated

brokers no longer require a principal broker's signature. The exceptions to the signature requirement are changing license category, reactivating a license or transferring companies in conjunction with a renewal.

**Affiliated brokers** (whether renewing online or by mail):

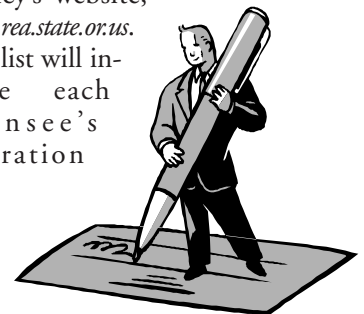
- You must have your principal broker complete the "Signature Card" prior to renewing your license.
- If your "Signature Card" is not completed prior to license renewal, and your principal broker determines that you have not met the continuing education requirements, the principal broker may immediately inactivate your license.
- If your license is inactivated, you cannot perform professional real estate activity until the continuing education requirements are met and your license is reactivated.

**Principal brokers:**

- You must ensure that "Signature

Cards" are received and approved for all your affiliated brokers whose licenses are up for renewal.

- You must make sure that your affiliated licensees have renewed their licenses if they will be conducting professional real estate activity.
- If you do not want a licensee to be able to renew with your company, or the licensee has not completed the continuing education requirements prior to renewal, either return their license to the Agency or submit the Inactivate License Form (by principal broker).
- Should you need to, you can print a list of all licensees working under your company from the licensee search on the Agency's website, [www.rea.state.or.us](http://www.rea.state.or.us). This list will include each licensee's expiration date.



## NEW FORMS FOR LICENSE TRANSFERS, CHANGES

The Oregon Real Estate Agency can no longer require principal brokers to return the paper license to the Agency when a broker is transferring to another principal broker. This has caused some concerns for principal brokers and brokers. The Agency implemented temporary rules on March 21, 2007 to address these issues (see "Temporary Licensing Rules in Effect" page 4).

New forms that correspond to the rules have been created and are listed below. Each of these forms is available to print from the Agency's website under "Publications & Forms". Please use these new forms for future transactions.

The former "License Change

Form" has been replaced by the following forms:

- License Transfer Form
- Change License Category Form
- Personal Name Change Form
- License Reactivation Form
- Activate an Inactive Renewal Form

Instead of returning a license to the Agency to inactivate the license, you now can use one of the following forms:

- Inactivate License Form (by principal broker)
- Inactivate License Form (by licensee)

If a duplicate license is needed because a license has been lost, use this new form:

- Duplicate License Request Form

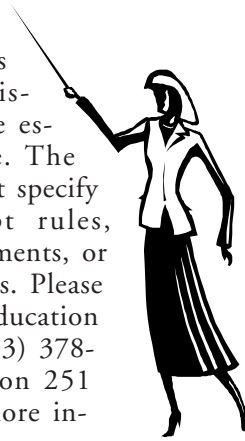
Many of the licensing forms continue to be changed and updated. To ensure you are using the most current form, please check the Agency's website at [www.rea.state.or.us](http://www.rea.state.or.us), and select the "Publications & Forms" link. The date (month/year) each was last revised is listed next to the form. This same date is listed on the form under the title. Too many times a licensee is disappointed when the licensing transaction they are attempting is delayed because an out-of-date form was used.

If you have any questions about which form to use, please contact the Licensing Section at (503) 378-4170, selection 0.

## ESCROW LICENSEES CONTINUING EDUCATION

The deadline for escrow license renewals is June 30, 2007. The renewal process includes certification that the educational requirement for escrow staff has been met. ORS 696.511(6)(a) requires that escrow agency staff complete an average of six hours or more of training per year per permanent, full-time employee. The education requirement pertains only to escrow staff located in Oregon. The training must be in subjects that bear directly on the administration of escrows.

The type and method of education is left to the discretion of the escrow licensee. The Agency cannot specify topics, adopt rules, waive requirements, or approve classes. Please contact the Education Section at (503) 378-4170, extension 251 or 260, for more information.



## CONTINUING EDUCATION APPROVAL

Thirty hours of continuing education are required to renew a real estate license in Oregon. Principal brokers approve education for themselves and their affiliated licensees. Sole practitioner brokers and property managers approve their own education. **The Oregon Real Estate Agency does not approve continuing education.** Therefore, the Agency does not maintain a list of course providers.

Licensees who approve education decide whether a course falls into the required or elective topics. OAR 863-015-0055 requires that at least 15 hours of continuing education must fall within the required topics (see below). The rest of the hours can be either required or elective.

Continuing education taken out-of-state may be approved if the content applies to Oregon. Online or distance education classes may also be approved.

A principal broker may let affiliated brokers use the Advanced Real Estate Practices course (See "Courses Required for New and Relicensed Brokers," page three) for continuing education.

See the Agency's website at [www.rea.state.or.us](http://www.rea.state.or.us) for more information, or call the Education Section at (503) 378-4170, extension 251.

### Required Topics:

- Trust Accounts
- Misrepresentation
- Anti-Trust
- Rule and Law Update
- Property Management
- Commercial Brokerage and Leasing
- Real Estate Taxation
- Agency
- Fair Housing
- Contracts
- Evaluation of Property
- Brokerage Management
- Land
- Business Ethics

## EXAM MAY BE REQUIRED TO ACTIVATE LICENSE

A licensee wishing to activate an inactive license must complete 30 hours of continuing education, following the same requirements as active licensees. In addition, licensees who have been inactive for more than two consecutive years must pass a reactivation exam. The reactivation examination requirement became effective in 1978.

The emphasis of the 48-question exam is on basic concepts of real es-

tate and on current laws, administrative rules and regulations. The computer-based tests are administered by PSI, Inc., the Agency's exam services provider. The examination fee is \$75.

You may contact the Agency at (503) 378-4170, selection 2, for more information about your license status, the reactivation examination process and continuing education requirements.

## RECEIVE RULE NOTICES BY MAIL OR E-MAIL

The *OREN-J's* publication schedule does not always provide for timely notification of changes to the Real Estate Agency's administrative rules. The Agency has both mail and e-mail notification methods available.

The Agency encourages anyone interested in receiving information on

rule changes to send a postcard to the Agency with your name, address, e-mail address, and your preference for regular mail or e-mail notification. You may also provide this information by e-mail to Administrative Rules Coordinator Laurie Skillman at [laurie.a.skillman@state.or.us](mailto:laurie.a.skillman@state.or.us).

## AGENCY JOB ANNOUNCEMENTS AVAILABLE ON WEBSITE

*Employment opportunities with the Oregon Real Estate Agency can be viewed from the Agency's website. Available job openings are posted to the State of Oregon jobs page and viewable from [www.rea.state.or.us](http://www.rea.state.or.us). The Agency will be looking to fill positions in the near future. All qualified individuals are encouraged to apply.*

## EDUCATIONAL COMPLIANCE REVIEWS

Approximately a year ago, the Real Estate Agency assigned staff member Judi Parker to conduct educational compliance reviews full time. Ms. Parker's primary job is to educate principal and sole practitioner brokers on how to stay in compliance with Oregon statutes and rules.

An educational compliance review is an overall examination of the real estate firm's records and processes conducted in the broker's office. Ms. Parker analyzes specific documents and office practices, and then advises the broker, if necessary, on ways to become compliant with laws and rules. In 2006, Ms. Parker and other Agency staff conducted 167 compliance reviews across the state.

After a review is completed, the Agency sends an electronic survey to the broker, asking him/her to evaluate the compliance review process and make suggestions for improving the process. Of the brokers that responded to the survey, 87% indicated that their educational compliance review

was extremely useful. A review can help principal or sole practitioner brokers maintain offices that are compliant, whether a new office or a long-established company.

If you would like to request an educational compliance review, please contact Judi Parker at (503) 378-4170, ext. 256, or by e-mail at [Judith.G.Parker@state.or.us](mailto:Judith.G.Parker@state.or.us).

### Brokers Had This to Say About Educational Compliance Reviews:

*"Overall, very good and encouraging. This was very helpful and not as 'scary' as originally imagined. Very good for our business."*

*"This was a review set up at my request. (We had only been open a little over six months.) I would STRONGLY urge the Agency to get the word out to new broker-ages on a routine basis about having a review like this . . . By the end of the review, I was more comfortable about my decisions to date and the system I had set up. My reviewer was fantastic! She also showed me where I could improve on my system."*

*"I really do not have any suggestions for improving. I felt the review was very beneficial to me even though I have been around over 35 years. It now occurs to me I have not been keeping up with the changing laws."*

*"I have no suggestions (for improvement). I thought the review was handled with the greatest expertise and the reviewer very professional. She explained everything very well and really made me feel that she was there to help as well as giving constructive criticism. Overall the review was very pleasant and helpful."*

## RECOMMEND LICENSED LANDSCAPE CONTRACTORS

Michael A. Snyder, Landscape Contractors' Board Administrator

Landscape construction work (not maintenance) is regulated in the State of Oregon and law requires this work to be done by licensed landscape businesses. Landscape construction work includes: the installation of lawns, trees, shrubs and other nursery stock; plus the installation of irrigation and drainage systems for landscape plantings. The construction and installation of decks, fences, arbors, walkways, driveways, patios, landscape edging, retaining walls and water features can be done by either a licensed landscaping business (LCB) or a licensed construction contractor (CCB).

Referring clients to unlicensed persons to perform licensed work puts the person performing the work at risk of significant civil penalties and possible injunctions and the con-

sumer at risk for personal injury suits, property damage issues as well as not providing protection against breach of contract or negligent or improper work. Licensing requires proper bonding, liability insurance and worker's compensation coverage to protect consumers who are also your clients. Your clients are dealing with you because you are a licensed professional and they deserve to be served well by your professional referrals. Failure to know these laws creates enforcement issues that can easily be avoided by checking the license before making the referral. Check the LCB website: [www.lcb.state.or.us](http://www.lcb.state.or.us) and follow the link to "verify a business license."

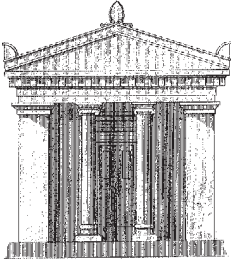
Please make sure the business is properly licensed before referring persons to perform landscape construction work.

*Editor's Note: This article was published at the request of the Landscape Contractors' Board. For information, please contact the LCB at (503) 986-6561 or e-mail [lcb.info@state.or.us](mailto:lcb.info@state.or.us).*



# ADMINISTRATIVE ACTIONS

February 1, 2007 through April 30, 2007



*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.*

*Finally, please note that stipulated settlements do not necessarily reflect all the factual violations initially alleged by the Agency, and the sanction(s) may have been adjusted as part of the negotiation process. Such settlements may not, therefore, directly compare in severity/sanction with other cases.*

## REVOCATIONS

Antich, Pamela J. (Portland) Broker #960900075)

Default order dated April 17, 2007, effective April 17, 2007. Buyer/Seller P complained that Antich failed to provide copies of transaction documents for property purchased by Buyer/Seller P. Antich was a family friend of Buyer/Seller P and was assisting Buyer/Seller P find an investment property. Buyer/Seller P purchased subject property and listed the home with Antich. Buyer/Seller P accepted an offer from Buyer #1 and a backup offer from Buyer #2. Antich claimed the sale to Buyer #1 failed because one of the buyers suffered a job loss. Antich advised Buyer/Seller P that Buyer #2's offer was due to close any day. Antich did not provide Buyer/Seller P with copies of any of the transaction documents. Buyer/Seller P contacted

Antich's principal broker and discovered the principal broker did not have copies of transaction documents. Antich's principal broker located a listing agreement for the subject property through RMLS. Antich's principal broker then determined that Antich had moved her license to another brokerage. The same principal broker advised Antich in writing to cease and desist conducting business under the brokerage she was no longer licensed with. The principal broker also agreed to cancel the listing with Buyer/Seller P at that time. An earnest money agreement was provided by an unknown source to the Real Estate Agency by e-mail. Antich contacted the Agency and advised she would be providing copies of the subject transaction documents. Antich failed to provide that documentation. Mail addressed to Antich at her address of record was returned to the Agency as undeliverable.

Violations: ORS 696.301(1), OAR 863-015-0062(1)(2)

Kilby, Michael Wyman (Central Point) Broker #200604159

Default order dated February 15, 2007, effective February 15, 2007. Buyer M complained that Kilby suggested that Kilby purchase a property that Buyer M could not qualify for, and then when Buyer M's credit was reestablished and could purchase the property, Buyer M could purchase from Kilby. Buyer M complained that Kilby did not make the monthly mortgage payments or pay the taxes as agreed and the property went into foreclosure.

Buyer M executed an earnest money agreement on June 10, 2005 to purchase subject property. On June 18, 2005, Buyer M learned they did not qualify for the property. Kilby suggested to Buyer M that Kilby purchase the subject property and that Buyer M could occupy the property and make monthly payments to

Kilby. On June 18, 2005, Kilby wrote an offer to purchase the property himself. Buyer M deposited \$73,125 into escrow for the sale of the subject property to Kilby and the transaction closed on July 13, 2005. On July 26, 2005, a Bargain and Sale Deed was recorded whereby Kilby deeded an undivided 50% interest to himself and an undivided 50% interest to Buyer M for the subject property. Kilby did not notify the lender that he deeded a 50% interest to Buyer M. Buyer M made 4 payments to Kilby that were to be for mortgage payments or property tax payments as agreed. In January 2006, Buyer M received a Notice of Default and first became aware that mortgage payments were not being made by Kilby. On March 29, 2006, Kilby executed a Bargain & Sale Deed deeding his interest in the subject property to Buyer M. Kilby stated in response to this complaint that the allegations were true and that he used the money for his personal bills with the intention of catching up on the mortgage payments when other transactions closed.

Violation: ORS 696.301(1), (10) and (31) (2003 Edition), and ORS 696.301(15) (2005 Edition)

Moore, Shauna M. (Sutherlin) Broker #200109055

Default order dated March 29, 2007, effective March 29, 2007. The Real Estate Agency received a complaint from Owner O regarding a property management agreement he signed with Moore. Owner O paid Moore \$8,000 to put Owner O's property in shape to rent out. After Owner O gave Moore the \$8,000, Owner O was unable to locate Moore. Moore did not return Owner O's money. Moore has not responded to Agency contacts and mail delivered to Moore's address of record has been returned with no forwarding address.

Violation: ORS 696.200

Stoll, Jeff D. (Portland) Property Manager #910100042

Default order dated February 6, 2007, effective February 19, 2007. On April 1, 2006, the Real Estate Agency randomly requested reconciliation information from Stoll regarding one of his client trust accounts. After multiple attempts to contact Stoll, Stoll provided some information to the Agency on August 15, 2006. The documentation provided by Stoll raised several areas of non-compliance such as missing check numbers, untimely deposits, and check register and owner ledgers lacking sufficient detail. The Agency issued a demand letter to Stoll at his address of record, to which Stoll did not respond.

Violations: ORS 696.200(1), 280(3); OAR 863-025-0040(1)(3), 025-0055 and 025-0065

### **SUSPENSIONS**

Hellen, Lyn M. (Bend) Broker #200004148

Stipulated order dated April 25, 2007, issuing a 1-year suspension effective May 18, 2007. After the suspension has been served, Hellen is eligible to obtain a limited license containing conditions and requiring Hellen to reapply for an unrestricted license after two years. The Agency received 3 complaints regarding Hellen.

The first complaint was received from Buyers D. Buyers D answered an ad for property. The ad included Hellen's telephone number and *www.fsbobend.com*. When Buyers D called on the ad, Hellen advised Buyers D that she was a real estate agent and partner with the owner of the property, Partner N. Partner N was not a real estate licensee but owned FSBOBend.com, that advertised for sale by owner properties. Partner N made an offer on the subject property which showed the buyer as Partner N or Assignees. After the offer was accepted, Partner N began advertising the property for sale. Buyers D presented Hellen with a full price offer for the property. Hellen told Buyers

D that Partner N was out of town, but since it was a full price offer, she would sign the offer for the sale. Hellen signed her own name and then added, for Partner N. Buyers D believed they had an accepted offer and gave Hellen \$5,000 earnest money. Hellen then told Buyers D that she didn't like the one page earnest money form written by Buyers D and proceeded to fill out a traditional earnest money agreement. Hellen did not prepare written agency disclosures indicating who was representing the parties. Hellen recommended to Buyers D that they contact Mortgage Broker A. Mortgage Broker A became aware that Buyers D were attempting to purchase the property that Partner N was in the process of purchasing and the mortgage broker knew that Buyers D would not be able to obtain a loan on the property because Partner N did not own the property. Hellen did not disclose to Buyers D that Partner N was in the process of purchasing the property from the actual owner. Partner N was not able to obtain financing for the purchase and Partner N's brother purchased the property. Partner N's brother offered the property to Buyers D for an increased purchase price. Hellen did not advise Buyers D that Partner N could not purchase the property which would have allowed Buyers D to purchase it directly from the actual owner. Hellen had not deposited Buyers D earnest money check but gave it to Mortgage Broker A.

Violations: OAR 863-015-0125(2), 015-0205; 015-0210, ORS 696.301(1), (16), (17), 696.241, 696.810(3)(c) (2003 Edition)

The second complaint was received from Licensee S. Licensee S represented Builder L. Buyers K signed a letter of intent to purchase a home to be built by Builder L. The letter of intent contained an agency acknowledgement that showed buyer and sellers were represented by Licensee S's brokerage. The letter of intent expired and was extended. Hellen met with Buyer K and Builder

L to write a sales agreement. Builder L did not have a representative from Licensee S's brokerage at the meeting. The final agency acknowledgement was incomplete. The offer was written with the purchase price, additional down payment and closing balance having been altered by the use of white out. The offer also stated "see construction contract". The offer had no expiration date. The earnest money instructions were incomplete. Hellen did not see the construction contract that she referenced in the offer. An addendum was also written which stated that Hellen was to receive \$2,000 commission from the 3% of the sales price and the remaining commission was to be credited to Buyers K at closing (approximately \$13,300), by seller. Hellen did not present the offer at that time. Builder L accepted the offer from Buyers K but did not sign the addendum. Hellen could not produce a copy of this offer upon request. Buyers K presented Licensee S's brokerage with an accepted contract that was signed by Builder L. Builder L accepted the offer without representation from Licensee S's brokerage. Licensee S was upset with the transaction. The offer was voided and terminated. Hellen wrote a new offer for Buyers K. The final agency acknowledgement showed Hellen as selling licensee and Licensee S's brokerage as the listing licensee. Builder L signed a counter offer which included an addendum. The addendum was not signed by Builder L. Licensee S sent the counter offer and addendum to Hellen. Hellen did not present Buyers K with the counter offer and addendum. Buyers K contacted Hellen and eventually signed the counter offer. Hellen gave the addendum that credited to the buyer a substantial amount of her commission to the escrow company. Hellen did not give the addendum to Licensee S's brokerage. The transaction closed and no commission was credited to the buyer.

Violations: OAR 863-015-**ADMINISTRATIVE ACTIONS:** *continued on page 10*

**ADMINISTRATIVE ACTIONS:** *continued from page 9* 0135(2)(5), ORS 696.301(12), (18), (31), 696.290(1) (2003 Edition)

The third complaint was from Licensee G. Hellen owned property on SW Hollygrape in Bend, Oregon. Hellen listed her property for sale with Direct Real Estate Service. Hellen was licensed as a sole practitioner in her own name until December 6, 2005 when she became licensed as Direct Real Estate Service. The property was listed for \$429,900 and marketed as new construction. On February 14, 2006, Licensee N wrote a full price offer for Buyers H & S to purchase Hellen's property. A number of addenda were executed. Hellen did not maintain a copy of Addendum C in her records. A second Addendum C was drafted which stated that Hellen had a full price as is offer in back up position. Buyers H & S did not sign this addendum. Hellen's broker file contained documentation which indicated that various contingencies were released. The documents were dated but not timed. On March 27, 2006, Buyers H & S signed closing documents. Hellen did not sign closing documents.

During this transaction, Hellen's address of record was 19723 Dartmouth in Bend, Oregon. The Dartmouth address was a property with tenants and Hellen did not conduct real estate activity from that address. On June 20, 2006, Hellen became licensed as Mt. Hood Realty Group, LLC with an address in Government Camp, Oregon. Hellen did not have an office at the Government Camp address.

Violations: OAR 863-015-0095(1), 015-0135(3), ORS 696.200, 696.280(1), 696.301(1) (2005 Edition)

Murdoch, Janice (Sandy) Broker #930400009

Stipulated order dated April 3, 2007, issuing a 45-day suspension effective April 4, 2007. Seller D complained that Murdoch fraudulently misrepresented herself and her do-

mestic partner's interest in a real estate transaction. Seller D owned property in Sandy, Oregon, which property was listed for sale. On November 21, 2001, Murdoch's father entered into a real estate sales agreement to purchase the subject property. The sales agreement shows Murdoch as the selling licensee and discloses her relationship to the buyer. The purchase price was \$249,950, which was \$10,000 over the listed price. The agreement called for seller to credit buyer \$4,800 for prorated, prepaid and nonrecurring closing costs, and for seller to credit buyer \$5,200 in escrow for carpet allowance. Closing was to occur on or before December 3, 2001. The agreement stated, "Buyer has formal loan approval for the subject property!" Four addenda were signed and made a part of the transaction, as follows: Addendum 1 set up escrow and included a map of the property in the paperwork. Addendum 2 stated that buyer had walked the property. Buyer, Murdoch's father, is legally blind and relied on a description provided by Murdoch's domestic partner who did walk the property at buyer's request. Addendum 3 extended the closing date to December 27, 2001. And, Addendum 4 stated that line 49 of the agreement concerning seller credit of \$5,200 be removed and that no credit for carpet was part of the transaction. Murdoch's domestic partner informed the listing office that an alternate loan program was necessary because of the father/daughter relationship in the transaction, and that the alternate program would not allow any seller credit for carpet allowance. Murdoch's domestic partner suggested that the sellers direct the \$5,200 be paid to the buyer from the seller proceeds at closing. Murdoch's domestic partner also indicated that the agreement would have to be amended to show a sales price of \$244,750 (the accepted \$249,950 minus the carpet credit of \$5,200). Buyer did not receive loan approval until December 7, 2001, 25 days after the sales agreement was

signed stating that he had formal loan approval. On December 21, 2001, Murdoch, Murdoch's domestic partner, Murdoch's father and Murdoch's mother all signed a family property ownership agreement pertaining to the purchase of the subject property. The agreement included: (a) that the property was being purchased in Murdoch's father's name to be held in trust for all four family members, each of whom shall own an equal share of the property; (b) that all mortgage payments, property taxes, insurance improvements and maintenance will be paid for by Murdoch and her domestic partner, or reimbursed to Murdoch's father; (c) any taxable interest or property tax deductions for purposes of income tax declaration will be assigned solely to Murdoch; (d) the purpose of the parties to share the property for residential purposes and that application will be made to Clackamas County for a medical family care hardship permit; and (e) in the event of the demise of one of the spouses or partners, the remaining spouse or partner shall assume ownership rights and obligations of the couple. Murdoch did not disclose her intent to obtain ownership in the subject property to Seller D. Murdoch did not disclose the actual financial arrangements to the lender who funded the acquisition of the subject property.

Violations: ORS 696.301(1), (15), 696.810(3)(c) (2001 Edition)

## REPRIMANDS

Ames, Mark Allen (Portland) Broker #200312065

Stipulated order dated April 4, 2007. Licensee S complained to the Real Estate Agency that Ames was operating a branch office in Lincoln City without benefit of a branch office license. Ames had mailed in a branch office application and fee, but it was not received by the Agency. Ames did not follow up and assure that the branch office license was issued. Ames operated a branch office in Lincoln City for approximately 6 months without a branch office license.

Violation: OAR 863-015-0100

Blackman, Shari D. (Christmas Valley) Broker #990400165

Stipulated order dated March 21, 2007. Buyer B complained that property he purchased had a cloud on the title because Blackman, a former owner, failed to record a trust deed. The subject property contained two tax lots, #7100 and #7200. In September 2004, Blackman and her husband sold the subject property to Blackman's brother. The escrow instructions for that transaction referenced both tax lot numbers. Blackman and her husband carried back a contract for her brother's purchase. When Blackman's brother paid off the contract, it was discovered that tax lot #7200 had not been included in the original transaction. On February 5, 2005, Blackman and her husband signed a bargain and sale deed deeding tax lot #7200 to her brother. The bargain and sale deed was given to Blackman's brother, but was not recorded. In April 2005, Buyer B purchased the subject property from Blackman's brother. On May 4, 2005, Buyer B/Seller B listed the subject property with Blackman to sell. At the time of listing, Blackman told Buyer B that the property consisted of two tax lots. On May 14, 2005, Blackman wrote an offer for Buyer G to purchase the subject property. The offer listed the physical address but included only one tax lot, #7100. The preliminary title report showed tax lot #7100 owned by Blackman's brother and tax lot #7200 owned by Blackman and her husband. Escrow was not aware that tax lot #7200 was part of the transaction, the transaction was not able to close, and it subsequently failed. Subsequent to that transaction, Blackman recorded the bargain and sale deed and the property sold to Buyers H.

Violation: ORS 696.805(2)(a)

Clemente, R. J. (Salem) Broker #980200215

Stipulated order dated March 21, 2007. The Real Estate Agency re-

ceived a complaint from Buyer B's Agent that Clemente did not present Buyer B's offer before the offer expired. A complaint was also received from Seller F from the same transaction that Clemente did not advise Seller F that Buyer B's offer was time sensitive. On May 6, 2006, Clemente obtained a listing from Seller F for the subject property. On May 13, 2006, Buyer B's agent wrote an offer for Buyer B to purchase the subject property. Buyer B's offer was to expire on May 14, 2006 at 4:00 PM. Buyer B's agent faxed the offer to Clemente at 4:15 PM on May 13, 2006. Buyer B's agent claims that a phone call was placed to Clemente requesting fax number and advising of the offer. Clemente denies receiving a phone call. Clemente noticed Buyer B's offer at approximately 8:30 PM on May 13, 2006. Clemente phoned Seller F to let her know there was an offer, but did not disclose the details of the offer over the phone. Clemente further advised Seller F that another offer would be coming in the next day from clients that Clemente had shown the property to earlier. Clemente alleges he discussed the time sensitive nature of Buyer B's offer and Seller F denies the discussion. May 14, 2006 was Mother's Day and Seller F was busy. Clemente and Seller F agreed to meet on Monday, May 15, 2006 to present the offer. At approximately 1:25 on May 14, 2006, Buyer B's agent contacted Clemente to make sure Seller F was aware of the 4:00 PM expiration date on Buyer B's offer. Clemente informed Buyer B's agent that there were other offers and that Clemente would be presenting them to Seller F on May 15, 2006. Later on May 14, 2006, Buyer B's agent advised Clemente that Buyer B was upset and Clemente agreed to attempt to contact Seller F. Clemente advised Buyer B's agent that he could not contact Seller F. Seller F alleges that Clemente pulled into Seller F's driveway but did not come to the door, and that Clemente drove away just as Seller F

was opening the garage door. On May 15, 2006, Clemente wrote an offer on the subject property for Buyer H. Clemente presented both offers to Seller F later on May 15, 2006. Clemente did not retain a copy of Buyer H's offer. Seller F accepted Buyer B's offer and the transaction closed.

During the Oregon State Fair, August 25, 2006 to September 4, 2006, Clemente staffed a fair booth with signage for R J Clemente & Home Team, Inc. without obtaining a branch office license for the booth.

Violations: OAR 863-015-0135(2), 863-015-0260, 863-015-0100

### **CIVIL PENALTIES**

**Expired - OAR 863-015-0050(2) - 31-60 days - \$100:**

Done, Deborah Ann (Hillsboro) Broker #200410101  
Dunton, Becki (Grants Pass) Broker #200501236  
McKillop, Dana Poole (Portland) Broker #920700018  
Young, Marcia Sue (Central Point) Broker #200504283

**Expired - OAR 863-015-0050(2) - 61-90 days - \$600:**

Hinman, Dixie L. (Springfield) Broker #970400054

**Unlicensed - ORS 696.020 - The amount of civil penalty depends on the amount of professional real estate activity conducted:**

Brown, Shawn L. (Eugene) \$1,050  
Cafferty, Jamie (Idaho) \$250  
Donahoo, Tammy (Tigard) \$100  
Hartman, Gloria J. (Klamath Falls) \$500  
Steiner, John (Idaho) \$250

### **CORRECTION**

An article appearing in the March edition of the OREN-J incorrectly reported that the Agency had taken final action to revoke Mr. Heil's license. As of the date of that publication, the Agency had not taken final action to revoke Heil's license.

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