



Oregon

Kate Brown, Governor

AGENDA ITEM NO.
I.C.

Real Estate Agency
Equitable Center
530 Center St. NE, Suite 100
Salem, Oregon 97301-2505
Phone: (503) 378-4170
Regulations Fax: (503) 373-7153
Admin. Fax: (503) 378-2491
www.oregon.gov/rea

Notice of Agenda
OREGON REAL ESTATE BOARD
Regular Meeting Agenda
The Valley River Inn
1000 Valley River Way
Eugene, OR 97401
February 3, 2020

NOTE: *The board plans to meet from 10 a.m. until 1:30 p.m., including a “working lunch” period.*

- I. BOARD BUSINESS - Chair Hunter**
 - A. Call to Order
 - B. Chair Hunter comments/Roll Call
 - C. Approval of the Agenda and Order of Business
 - D. Approval of 12.2.19, regular meeting minutes
 - E. Date of the Next Meeting: 4.6.20 in Florence, OR, location to be determined and to begin at 10am.
- II. PUBLIC COMMENT - Chair Hunter**
 - This time is set aside for persons wishing to address the Board on matters not on the agenda. Speakers will be limited to five minutes.
 - The Board Chair reserves the right to further limit or exclude repetitious or irrelevant presentations. If written material is included, 12 copies of all information to be distributed to board members should be given to the Board Liaison prior to the meeting.
 - Action will not be taken at this meeting on citizen comments. The Board, however, after hearing from interested citizens, may place items on a future agenda so proper notice may be given to all interested parties.
 - If no one wishes to comment, the next scheduled agenda item will be considered.
- III. REQUESTS FOR WAIVERS - Chair Hunter. Waiver request log.**
 - A. Christopher Ambrose
- IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER - Chair Hunter. Approval of petition log.**
 - A. Bernard Black, B.C.E. will appear in person.
- V. BOARD ADVICE/ACTION - Commissioner Strode**
 - A. 2020 Governor’s State Employee Food Drive
 - B. CEP board checklist and revised CEP petition
- VI. NEW BUSINESS - Commissioner Strode**
- VII. COMMUNICATIONS - ADMINISTRATIVE ACTIONS SUMMARY - Chair Hunter**
- VIII. REPORTS - Chair Hunter**
 - A. Commissioner Strode
 1. PSI Broker and Principal Broker Exam Review Work Group
 2. 2019 Oregon Real Estate Agency Report to the Oregon Legislature: SB 688 - Temporary Authorizations for Military Spouses & Partners to Practice Real Estate
 - B. Agency division reports - Deputy Commissioner Anna Higley
 1. Regulations, Selina Barnes
 2. Land Development Division, Deputy Commissioner Higley
 3. Education, Licensing and Administrative Services, Deputy Commissioner Higley and Maddy Alvarado
- IX. ANNOUNCEMENTS - Chair Hunter.** Next board meeting: 4.6.20 in Florence, OR, location to be determined and to begin at 10am.
- X. ADJOURNMENT - Chair Hunter**

Interpreter services or auxiliary aids for persons with disabilities are available upon advance request.



Oregon

Kate Brown, Governor

OREGON REAL ESTATE BOARD

Regular Meeting Minutes
Oregon Real Estate Agency
530 Center St. NE, Suite 100
Salem, OR 97301

Monday, December 2, 2019

Agenda Item No.

I. D.

Real Estate Agency

530 Center St. NE, Suite 100

Salem, Oregon 97301-2505

Phone: (503) 378-4170

Regulations Fax: (503) 373-7153

Admin. Fax: (503) 378-2491

www.oregon.gov/rea

BOARD MEMBERS PRESENT: Lawnae Hunter, Chair
Alex MacLean, Vice-Chair
Marie Due
Debra Gisriel
Susan Glen
Jose Gonzalez
Dave Hamilton
Kim Hedding

BOARD MEMBERS ABSENT: Pat Ihnat, excused

OREA STAFF PRESENT: Steve Strobe, Commissioner
Selina Barnes, Deputy Commissioner of Regulations
Leandra Hagedorn, Board Liaison

GUESTS PRESENT: Tia Politi, Rental Housing Support
Cary Fairbralter,
Lane Mueller

I. BOARD BUSINESS – Chair Hunter

- A. Call to Order. Chair Hunter called the meeting to order at 10am.
- B. Chair Hunter comments/Roll Call. Chair Hunter asked the board liaison to take roll call, board members/REA staff to introduce themselves, and explained the role/function of the board.
- C. Approval of the Agenda and Order of Business. Chair Hunter explained that the meeting would be abbreviated to allow time for guest speaker, Monica Walker's presentation (Agenda Item No. VII).

**MOTION TO APPROVE OF THE AGENDA AND ORDER OF BUSINESS BY DAVE HAMILTON
SECOND BY DEBA GISRIEL
MOTION CARRIED BY UNANIMOUS VOTE**

- D. Approval of 10.7.19 regular meeting minutes.

**MOTION TO APPROVE THE 10.7.19 REGULAR MEETING MINUTES BY DAVE HAMILTON
SECOND BY JOSE GONZALEZ
MOTION CARRIED BY UNANIMOUS VOTE**

- E. Date of the Next Meeting: 2.3.20, in Eugene, OR, to begin at 10am and venue to be determined.

II. PUBLIC COMMENT – Chair Farley. None.

- This time is set aside for persons wishing to address the Board on matters not on the agenda. Speakers will be limited to five minutes.
- The Board Chair reserves the right to further limit or exclude repetitious or irrelevant presentations. If written material is included, 12 copies of all information to be distributed to board members should be given to the Board Liaison prior to the meeting.
- Action will not be taken at this meeting on citizen comments. The Board, however, after hearing from interested citizens, may place items on a future agenda so proper notice may be given to all interested parties.
- If no one wishes to comment, the next scheduled agenda item will be considered.

III. REQUEST FOR WAIVERS – Chair Hunter. None.

IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER - Chair Hunter - CEP Log

- A. Alethea "Tia" Politi to appear in person. Ms. Politi explained her background included property management, rental owner, and president of the Rental Owners Association of Lane County, Board Secretary for the Oregon Rental Housing Association as well as a non-profit called ORHA Education Inc. Chair Hunter asked Ms. Politi if she was familiar with the guidelines for continuing education providers and asked her to give a brief overview of her classes. Ms. Politi responded that her the classes she was currently teaching related to property management, ethics, conflict resolution, record keeping, fair housing laws/rules, and renters rehab. Chair Hunter also asked Ms. Politi if she was aware of the record keeping requirements for continuing education providers and Ms. Politi responded that she was aware. Mr. Hamilton asked Ms. Politi if she worked with several other organizations as an instructor and why she wanted to become a provider. Ms. Politi responded that she had been working with other organizations and becoming a provider would allow her to provide continuing education credit for the associations that were not providers. She also stated that she intended on establishing a business and offer customized trainings for property management and real estate companies. Mr. MacLean asked Ms. Politi if she offered her classes online or in person and she responded that her classes are in person. Ms. Politi offers classes that cover principal broker or property manager record-keeping and property management, which are considered acceptable course topics. Ms. Barnes asked Ms. Politi if she planned on becoming a CEP as an individual or a LLC and Ms. Politi responded her preference would be a LLC. **DISCUSSION:** Mr. MacLean stated that Ms. Politi demonstrated that she is well qualified to become a certified education provider. Ms. Glen stated continuing education for property managers is much needed.

**MOTION TO APPROVE ALETHEA "TIA" POLITI'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY ALEX MACLEAN
SECOND BY DAVE HAMILTON
MOTION CARRIED BY UNANIMOUS VOTE**

- B. Richard Gann to appear by phone. Mr. Gann explained that his business relies heavily on referrals from real estate agents/brokers, accountants, and other professionals. He also stated that his goal is to provide continuing education to the real estate community in particular with regard to commercial real estate and taxation. Ms. Gisriel asked Mr. Gann to provide specific learning objectives included in his classes that would fall under the acceptable course topics and also if he was familiar with the record keeping requirements for continuing education providers. Mr. Gann responded that he had extensive experience with continuing education record keeping. Mr. Hamilton asked Mr. Gann if he was currently working with real estate organizations that provide similar courses to licensees and Mr. Gann said the content he provided was not the same but unique. Ms. Barnes asked Mr. Gann if he planned on becoming a continuing education provider as an individual or as a business and he responded that he would be providing continuing education as an individual. Ms. Glen asked Mr. Gann what format he offered his classes through and he responded his content was totally educational. Mr. Gann offers classes that cover the following topics: Real estate taxation, real estate economics, and real estate law or regulation, which are considered acceptable course topics. **DISCUSSION:** Ms. Gisriel stated the motivation for becoming continuing education provider should be education rather than business development.

**MOTION TO APPROVE RICHARD GANN'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY ALEX MACLEAN
SECOND BY SUSAN GLEN
MOTION CARRIED BY 7 AYES (MARIE DUE, DEBRA GISRIEL, JOSE GONZALEZ, KIM HEDDINGER, LAWNAE HUNTER, AND ALEX
MACLEAN) AND 1 NAY (DAVE HAMILTON)**

V. BOARD ADVICE/ACTION – Commissioner Strode.

- A. Proposed 2020 Board meeting dates and locations:
- February 3 - Eugene
 - April 6 - Florence
 - June 1 - McMinnville
 - August 3 - Salem
 - October 5 - Bend
 - December 7 - Salem

**MOTION TO APPROVE PROPOSED 2020 BOARD MEETING DATES AND LOCATIONS BY DAVE HAMILTON
SECOND BY KIM HEDDINGER
MOTION CARRIED BY UNANIMOUS VOTE**

VI. REPORTS – Chair Hunter

- A. Commissioner Strode
- OREN-J - Mr. Strode asked board members if they were still interested in writing articles for the OREN-J and they agreed.
 - Advertising Rules Workgroup - Survey to all licensees will go out soon to identify what types of issues/concerns/questions workgroup should consider
 - PSI Exam Workgroup - Agency to develop a workgroup of subject matter experts to meet and review exam content as follows:
 - Broker/principal broker portion will be reviewed on January 6, 7, & 8, 2020
 - Property management portion will be reviewed on February 12 & 13, 2020
 - SB855 (Reduce barriers for of occupational licensure for immigrants and refugees) - Agency submitted a report to the Legislative Assembly and can be found on the Agency's website
 - SB688 - (Issuance of temporary licenses to spouses of active military members) - May require rule writing from the Agency and input from board members
- B. Agency Division Reports – Commissioner Strode clarified that verbal division reports would not be given at this meeting and board members should rely on written reports provided in the board packet.
1. Regulations, Selina Barnes.
 2. Administration and Land Development, Anna Higley.
 3. Licensing and Education, Madeline Alvarado.

VII. NEW BUSINESS – DEPUTY COMMISSIONER ANNA HIGLEY – Oregon Government Ethics Law, Monica Walker, Program Analyst/Trainer, Oregon Government Ethics Commission. Monica Walker presented the Oregon Government Ethics Law training to the board members.

VIII. ANNOUNCEMENTS – Chair Farley. Next board meeting: 2.3.20 in Eugene, OR, to begin at 10am and venue to be determined.

IX. ADJOURNMENT

Respectfully submitted,

Respectfully submitted,

STEVE STRODE, COMMISSIONER

LAWNAE HUNTER, BOARD CHAIR

OREGON REAL ESTATE AGENCY – Experience Requirement Waiver Request Log (2018-2020)

<p>AGENDA ITEM NO. III.</p>
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DATE	NAME	LICENSE TYPE	APPROVED/DENIED	FACTS AND BOARD DISCUSSION
04.02.18	Ross Kelley	PB	Denied	<p>FACTS: Ross Kelley requests a waiver of experience to become a principal broker. Mr. Kelley explained his request was based on his legal experience on both residential and commercial real estate and also that his business model would be a small scale of commercial properties. Dave Koch asked Mr. Kelley about his attitude towards managing and Mr. Kelley responded that his goal would be to provide exemplary service and he has reviewed ORS Chapter 696. Mr. Koch asked Mr. Kelley if he had supervision experience and Mr. Kelley responded that has supervised paralegals, attorneys and in his current position as well. Alex MacLean asked Mr. Kelley if he has had any experience with day to day transaction activity and Mr. Kelley responded he has worked with many brokers as well as buyers and sellers.</p> <p>MOTION TO DENY MR. KELLEY’S REQUEST FOR WAIVER OF EXPERIENCE AND RECOMMEND MR. KELLEY MAKE HIS REQUEST AFTER ONE YEAR OF EXPERIENCE BY DAVE KOCH SECOND BY PAT IHNAT MOTION CARRIED BY UNANIMOUS VOTE</p>
06.04.18	Ryan McGraw	PB	Approved	<p>FACTS: Ryan McGraw requests experience waiver to become principal broker. Mr. McGraw appeared and explained the basis for his request for waiver was that he has practiced real estate law in some form for 9 years. He also explained that for the past 2 years he has been the equivalent to a principal broker in California, however, he relocated to Oregon and did not build the business in California. Mr. McGraw obtained his broker license in Oregon about a year ago and has handled some transactions but his goal was to build a residential property management business while continuing to sell homes. Dave Koch asked Mr. McGraw what supervisory experience he had. Mr. McGraw responded that for the last 6 years he has been responsible for supervising 22 staff in his current role. Dave Hamilton asked Mr. McGraw if he was operating as both realtor with a company and also the energy company. Mr. McGraw responded that he was operating as both. Commissioner Bentley clarified the area of concern for board members was Mr. McGraw his lack of experience in supervising new licensees and Mr. McGraw responded that he agreed with that concern and would only take on licensees that are fully experienced. Discussion: Alex MacLean stated although Mr. McGraw’s lack of experience with supervision was a concern Mr. MacLean was in support of approval of this motion. Mr. Koch asked Mr. McGraw to expand on his management process/experience and Mr. McGraw described how he has handled various personnel issues as a manager/supervisor. Jose Gonzalez also expressed his support for approval of this motion. Pat Ihnat asked Mr. McGraw how he handled lease negotiations and Mr. McGraw responded that he has been involved as supervising and also has used brokers.</p> <p>MOTION TO APPROVE RYAN MCGRAW’S REQUEST FOR WAIVER OF EXPERIENCE BY LAWNAE HUNTER SECOND BY PAT IHNAT MOTION CARRIED BY UNANIMOUS VOTE</p>
12.10.18	Joseph Edwards	PB	Withdrawn	<p>Joseph Edwards requests an experience waiver, Mr. Edwards contacted the agency to cancel his appearance due to unsafe road conditions.</p>
04.01.19	Ross Kelley	PB	Denied	<p>Ross Kelley requests experience requirement waiver. Chair Farley asked Mr. Kelley to expand on the basis of his request for a waiver. Mr. Kelley explained that since his appearance before the board about a year ago he had completed two transactions and had a listing pending. Mr. Kelley stated that becoming a principal broker would allow him to provide quality service to his clients and also open his own real estate brokerage firm.</p> <p>DISCUSSION: Alex MacLean expressed his appreciation to Mr. Kelley for appearing before the board for a second time and also encouraged him to continue gaining the required experience to become a principal broker. Jose Gonzalez explained that his personal experience of learning from principal brokers was instrumental for him in becoming a principal broker.</p> <p>MOTION TO DENY ROSS KELLEY’S REQUEST FOR WAIVER BY DEBRA GISRIEL SECOND BY DAVE HAMILTON</p>

6.3.19	Ruth Howard	PB	Approved	<p>MOTION CARRIED BY UNANIMOUS VOTE</p> <p>Ruth Howard requested a waiver of experience to become a principal broker. Howard appeared in person. Howard explained the basis for her request. Worked in real estate as a secretary for an office in 1980. Over the years she owned a small business and leased homes for a retirement community, She then got her real estate license. She was asked by the outgoing principal broker and the president of her current company to become the principal broker despite not having the required experience. Dave Koch asked if Laurie Thiel had comments. Thiel spoke on Howard's behalf. Koch recused himself from the vote, but recommended approval comments. Thiel spoke on Howard's behalf, Koch recused himself from the vote, but recommended approval of the request. Pat Ihnat commented that Koch is usually is the one that questions experience waiver requests) and that Koch's support is uncharacteristic. Howard explained how her leasing experience helped her in professional real estate. Lawnae commented favorable on Howard's background, Ihnat asked how many are in the office now. Howard responded 20. Lawnae asked about trust accounting experience. Debra Gisriel asked if there is another principal broker in the office who can step in, Thiel stated that there are licensees that who could meet the requirements but no one with the desire or skills to manage, Gisriel suggested that Howard take the Principal Broker Advanced Practices course and the Principal Broker Academy right away. Dave Hamilton asked question about transaction issues. Alex MacLean inquired about time line for Bill (current PB in the office) to mentor, number of deals occurring in office and experience of brokers in office. MacLean also asked how many RE/MAX offices are in Portland, where are management meetings held, if other RE/MAX management is available to her as a resource, and what her plans are for growing office. Koch commented on history of office. MacLean confirmed Bill is retiring from management of office, not from real estate business, and asked about Dave Koch's relationship with the office and RE/MAX. Ihnat commented when Howard obtains a principal broker license, she could leave RE/MAX and open her own office. Jef Farley commented on the shortcomings of the law requiring only three years of active licensed experience to obtain a principal broker license.</p> <p>DISCUSSION: Dave Hamilton commented he considers Dave Koch's recommendation. Lawnae agreed. Pat said leasing experience similar. Susan commented on past leasing experience and number of transactions completed.</p> <p>MOTION TO APPROVE RUTH HOWARD'S REQUEST FOR WAIVER OF EXPERIENCE BY PAT IHNAT. SECONDED BY DEBRA GISRIEL.</p>
2.3.20	Christopher Ambrose	PB		

Oregon Real Estate Board

Experience Requirement Waiver Request

Date: January 13, 2020

Name Christopher R. Ambrose

Address: 2900 NW Clearwater Drive, Ste. 320, Bend, OR 97703

Daytime Phone Number: 541.617.0707

Oregon License Number: 201222217

GENERAL INFORMATION AND DOCUMENTATION

- I am seeking an experience requirement waiver to become a real estate **PRINCIPAL BROKER**. (ORS 696.022 and OAR 863-014-0040)
- I am currently licensed as a real estate broker in Oregon: Yes X No
If yes, please state the dates for which you held and Oregon real estate license: 9.6.18 to Present
Was your Oregon license obtained through a reciprocal agreement with another state? Yes No X
- I am currently licensed or have held a real estate license in another state that was issued by the state's licensing authority: Yes No X. Indicate the following

Type of License	State Issued	Dates Active License Held	
		From:	To
		From:	To
		From:	To
		From:	To

4. Per OAR 863-014-0040 and OAR 863-014-0042, I have:

	Yes	No	Date Completed	Additional Required Information	Agency Use Only
Completed the "Broker Administration and Sales Supervision" course for principal real estate brokers. Must be completed PRIOR to waiver request.	XX		10.27.19	Attach original course certificate.	
Submitted the Real Estate License Application for Principal Broker license and \$300 fee. Must be completed PRIOR to waiver request.	XX		10.18.19	Attach copy of confirmation letter from Agency.	
Successfully passed the Oregon Principal Broker exam. Must be completed PRIOR to waiver request.	XX		01.13.20	National Score: <u>75</u> State Score: <u>46</u>	
Graduated from a four-year college or university with a degree in real estate curriculum approved by the Commissioner.(863-014-0042)		XX		Attach official transcript to request, if any.	
Graduated with a two-year community college associates degree in real estate curriculum approved by the Commissioner. (863-014-0042)		XX		Attach official transcript, if any.	
Substantial real estate-related experience equivalent to at least 3 years active licensed experience. Include any real estate designations achieved. (OAR 863-014-0042)	XX			Attach a written details about your additional real estate experience that would assist in the Board's consideration of your waiver request.	

	Yes	No	Date Completed	Additional Required Information	Agency Use Only
Included the number and type of real estate transactions (listings and transactions that were closed) I have completed while holding a real estate license in Oregon or in another state.	XX			Attach a document showing the number and types of transactions you have completed while licensed, if any.	

REQUIRED DOCUMENTS

Listed below are the required documents to be included in the request for an experience waiver.

- Your letter requesting a waiver of the three year active licensed experience. This letter should:
 - State the reason for the request, including the compelling reason why you cannot to complete the three years of active licensed experience.
 - Indicate the real estate experience you have that would be an acceptable substitute for the three years of required experience.
 - Explain how you obtained the knowledge and expertise to adequately manage a real estate business, which includes supervising Oregon real estate licensees and handling clients' trust accounts.
- Required documentation listed above in the General Information and Documentation section #4.

HELPFUL DOCUMENTS

The following information is helpful, but not required, for the Board to thoroughly evaluate your request:

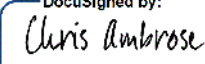
- Letters of reference pertaining to your real estate experience
- Letters of reference from current or past supervising principal brokers
- Supervisory experience
- Familiarity and experience in other related industries: escrow, title, mortgage, etc.

OTHER REQUIREMENTS

- You will be required to attend the Oregon Real Estate Board meeting when this waiver is discussed. The Board schedule will be communicated in follow-up correspondence upon receipt of your documents.**
- Be prepared to answer questions from the Board to support your request.**
- Waiver requests must be received at the agency no less than 21 days before the board meets.**
- You must email all documents, including this completed and signed "Experience Requirement Waiver Request," to madeline.c.alvarado@state.or.us.**

IMPORTANT NOTE: All documents submitted become part of the Board Packet and, therefore, public record. The Agency highly recommends that you remove/redact any confidential information on your documents, such as your social security number, date of birth, and credit card information. Please do not put the packet into any type of folder or binding.

Please direct any questions to Madeline Alvarado at 503-378-4590 or madeline.c.alvarado@state.or.us.

I certify that the above information is true to the best of my knowledge.	
DocuSigned by:  C9BE4A7BF8D34E1...	1/13/2020
Signature of Waiver Applicant	Date

2019 BOARD MEETING DATES

<u>MEETING DATE</u>	<u>LOCATION</u>	<u>WAIVER PACKET DUE DATE</u>
February 4, 2019	Salem	January 5, 2019
April 1, 2019	Portland	March 11, 2019
June 3, 2019	TBD	May 13, 2019
August 5, 2019	TBD	July 15, 2019
October 7, 2019	TBD	September 16, 2019
December 2, 2019	Salem	November 11, 2019

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BEFORE THE STATE OF OREGON REAL ESTATE AGENCY
REAL ESTATE BOARD

In Re Christopher R. Ambrose,

Petitioner.

OR REA LICENSE NO.: 201222217

PETITION OF CHRISTOPHER R. AMBROSE FOR WAIVER OF THREE YEAR BROKER EXPERIENCE REQUIREMENT

Date: February 3, 2020
Time: 10:00 a.m.
Location: OR Real Estate Agency Eugene, OR

Petitioner Christopher R. Ambrose has applied for a principal real estate broker’s license. Pursuant to OAR 863-014-0042(3)(c), Mr. Ambrose respectfully requests a waiver of the three-year real estate broker requirement based on his work experience. Mr. Ambrose has had a real estate broker license for approximately 16 months, but has been a real estate attorney and counsel to various real estate companies for more than 30 years, including a real estate company for which he has been co-general counsel (Total Real Estate Group LLC). Mr. Ambrose respectfully submits that he has real estate-related experience equivalent to at least three years of active experience of a real estate licensee.

A. COMPLIANCE WITH OTHER REQUIREMENTS:

Mr. Ambrose obtained his real estate broker’s license on September 6, 2018 (OREA License No. 201222217)(Ex. “1”), and now has applied for his principal real estate broker’s license. Mr. Ambrose has been affiliated as a licensee with Total Real Estate Group LLC,

1 (formerly known as Total Property Resources, LLC), based in Bend, Oregon (OREA
2 License No. 200307226)(Ex. "2"). He has completed his Brokerage Administration and
3 Sale Supervision Class (Ex. "3"), and took and passed both the federal and state portions
4 of the principal broker's examination on January 13, 2020. Confirmation of submission of
5 the principal broker application with the OREA is attached (Ex. "8").

6 **B. REQUEST FOR WAIVER OF THREE YEAR REAL ESTATE BROKER
7 REQUIREMENT:**

8 ORS 696.022(3)(c)(B) provides that an applicant for an Oregon principal real estate
9 broker's license establish, in addition to other requirements, that the applicant have three
10 years of active licensed experience as a licensed real estate broker or a licensed real
11 estate salesperson in this state or another state. Mr. Ambrose has slightly more than one
12 year of active licensed experience.

13 The Oregon Administrative Rules also provides that the Oregon Real Estate Board
14 may waive that three-year requirement under the following circumstances:

15 **1. Standard:**

16 863-014-0042. Waiver of Experience Requirements

17 (1) If an applicant for a principal real estate broker's license has met all
18 requirements for such license except for the experience requirement, the
19 applicant may petition the Real Estate Board for a waiver of the three-year
20 experience requirement contained in ORS 696.022, and 863-014-0040. The
21 petition must contain sufficient information to allow the Board to determine
22 whether the applicant qualifies for a waiver as allowed by this rule. . . .

23 (3) The Board may issue a waiver if the applicant:

24 . . . (c) Has had real estate-related experience equivalent to at least
25 three years of active experience as a real estate licensee and
26 provides written details about the nature of such experience.

1 **2. Real Estate-Related Experience.**

2 Mr. Ambrose respectfully submits that his experience as a real estate attorney for
3 more than 30 years, combined with the nature and extent of his day-to-day real estate
4 experience, supports a waiver of the three-year broker requirement.

5 Mr. Ambrose is a 1987 graduate from the University of San Diego School of Law.
6 He obtained his California State Bar license in 1987 (Ex. "4") and practiced general real
7 estate, business, and commercial litigation in California until 1996, when he moved to
8 Oregon.

9 Mr. Ambrose passed the Oregon State Bar in 1996 (Ex. "5") and the Washington
10 State Bar that same year (Ex. "6"). Mr. Ambrose has been an attorney / partner with
11 Ambrose Law Group LLC since 1996 and has practiced real estate and mortgage lending
12 law throughout the west since that time, primarily for Oregon-based clients. Mr. Ambrose
13 has provided legal advice to dozens of real estate and mortgage licensees over the past
14 25 years, including both individual real estate licensees and companies, throughout the
15 state of Oregon. The following are some of the areas in which Mr. Ambrose has provided
16 extensive legal advice: Licensing, administration, commission structures, contract
17 structuring and interpretation (including virtually all the OREF and other residential and
18 commercial forms), easements, purchase and sale agreements and a myriad of addenda,
19 land sale contracts, finance, foreclosures (judicial and nonjudicial), workouts and
20 workarounds, Truth in Lending Act Issues, Real Estate Settlement Procedures Act issues,
21 most state and federal regulatory matters involving the real estate industry, MLS issues,
22 leasing (both residential and commercial), bankruptcy and real estate matters, appraisals,
23 real property and associated personal property valuations, most issues pertaining to the
24 company structuring of various brokerages, title issues, virtually every type of deed issue,
25 and employment and independent contractor matters (including wage claims, and
26 employment and independent contractor agreements).

1 Additionally, this legal advice has included both transactional and litigation matters.
2 For the past ten - fifteen years, approximately 50% of his practice has been exclusively
3 focused on real estate and real estate-related matters, with the balance pertaining primarily
4 to mortgage lending matters. A major focus of Mr. Ambrose's legal practice pertains to
5 referrals from Oregon and Washington real estate licensees.

6 Mr. Ambrose also has been involved with entity formation and operational issues for
7 dozens of Oregon and Washington entities, and is very familiar with the corporate,
8 partnership, limited liability company, and alternative entity formation and operational
9 issues.

10 Mr. Ambrose has had numerous supervisory roles over the past 30 years, ranging
11 from 4-12 employees and contractors at any given time. Presently, he supervises four
12 employees and works with others, including managing principal broker Molly Brundage,
13 regarding the duties and responsibilities of 23 licensees. These roles have included most
14 components of supervision, including policies and procedures, wages and compensation,
15 client relations, time management, and compliance. As an attorney, Mr. Ambrose also has
16 prepared numerous employee handbooks and employee policies and procedures.

17 As an attorney, Mr. Ambrose also has been required to comply with trust accounting
18 matters for more than 30 years, including 20 years in Oregon. Trust Account matters are
19 of the paramount importance and Mr. Ambrose has maintained, with staff, various trust
20 accounts over the years involving millions of client dollars. He also has engaged the
21 services of dozens of escrow and title companies in Oregon over the past 25 years with
22 respect to purchases and sales and loan closings, the vast majority of which have involved
23 oversight of client funds. As general counsel for licensee Total Real Estate Group LLC, he
24 also is aware of all the specific trust accounting issues associated with the Oregon real
25 estate laws.

26 Additionally, Mr. Ambrose has written numerous articles regarding real estate-related

1 matters, and is the co-author and primary authority of the Oregon State Bar Real Estate
2 Deskbook section on Real Estate Lending Regulation (Ex. "7") (a deskbook designed to
3 assist Oregon attorneys). He regularly speaks before various real estate companies and
4 their brokers regarding real estate-related matters.

5 Mr. Ambrose also is co-general counsel to licensee Total Real Estate Group LLC
6 (200307226), a Bend-based real estate company with 23 licensees, including six principal
7 brokers (Molly Brundage is the managing principal broker), and is a minority owner. Mr.
8 Ambrose's experiences with this company, and various other companies to which Mr.
9 Ambrose has provided legal advice, has been extremely practical and hands-on. He works
10 virtually daily with the real estate licenses on a broad spectrum of issues - both from legal
11 and business perspectives.

12 Mr. Ambrose has obtained practical day-to-day experience with the active Oregon
13 licensees at Total Real Estate Group LLC. In calendar year 2019 alone, Total Real Estate
14 Group LLC had 97 transactions, including 50 sales, with a total sales volume in Central
15 Oregon exceeding \$55M. (The numbers were slightly less in 2018.) Mr. Ambrose's role
16 did not involve acting as a broker for clients of the company; rather Mr. Ambrose's role as
17 general counsel has involved a significant number of responsibilities, including advising the
18 brokers on various sale components, forms, sales structures, financing, processing,
19 advertising matters, and the real estate closing process in general. He is familiar with all
20 of the software that Total Real Estate Group LLC uses (e.g., Skyslope for the sale process
21 and documentation, MLS, Rappatoni, Supra, OREF, Zipforms, DigiSign and DocuSign,
22 etc.).

23 Finally, Mr. Ambrose has been engaged in numerous real estate-related
24 organizations during the entire time that he has been a licensed attorney in Oregon. By
25 way of example only, he has been an active member of the Oregon Real Estate and Land
26 Use Section, the Oregon Mortgage Bankers Association (including past president), the

1 Central Oregon Association of Realtors (including serving on the Government Affairs
2 Committee), and the National Association of Realtors, and has attended hundreds of hours
3 of real estate-related classes with these and other organizations, including the American
4 Bar Association. He has assisted with legislative matters, and has testified before the
5 Oregon legislature regarding real estate lending issues (primarily regarding loss mitigation
6 and foreclosure legislation).

7 **C. CONCLUSION.**

8 Mr. Ambrose submits that his 16 months of licensed broker experience combined
9 with his other real estate-related experiences (both legal and hands-on) should satisfy the
10 three-year experience requirement. Accordingly, Mr. Ambrose respectfully requests that
11 the three-year experience requirement be waived with respect to his application for a
12 principal real estate broker license. Thank you for your consideration.

13

14 DATED this 13th day of January, 2020.

DocuSigned by:
Chris Ambrose
C9BE4A7BF8D34E1...

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16 Christopher R. Ambrose
17 OREA Lic. No. 201222217
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EXHIBIT "1"



Oregon Real Estate Agency

Scroll down to see Disciplinary Actions for the listed licensee. If Disciplinary Actions do not appear, it means the Agency has no record of administrative actions taken on this licensee.

Lookup Detail View

Name and Address

Name	Address
Christopher Ray Ambrose	547 SW 13th St Ste 201 Bend, OR 97702-3171

License Information

License	License Type	Expiration Date	Status
201222217	Broker	04/30/2020	ACTIVE

Affiliated With

Name	Address	License	License Type	Status	Affiliation Date
TOTAL PROPERTY RESOURCES LLC	547 SW 13TH STREET SUITE 201 BEND, OR 97702-3171	200307226	Registered Business Name	ACTIVE	09/06/2018

Generated on: 11/10/2019 6:16:45 PM

State of Oregon

Real Estate Agency

THIS IS TO CERTIFY THAT THE PERSON NAMED HEREON IS LICENSED/REGISTERED AS PROVIDED BY LAW AS A

LICENSEE:

Christopher Ray Ambrose

547 SW 13th St Ste 201
Bend, OR 97702-3171

ACTIVE Broker

No. 201222217

TOTAL PROPERTY RESOURCES LLC
547 SW 13TH STREET SUITE 201
BEND, OR 97702-3171

EXPIRATION DATE
04/30/2020

BY: OREGON REAL ESTATE COMMISSIONER

EXHIBIT "2"



Oregon Real Estate Agency

Scroll down to see Disciplinary Actions for the listed licensee. If Disciplinary Actions do not appear, it means the Agency has no record of administrative actions taken on this licensee.

Lookup Detail View

Contact Information

Name	Address
TOTAL REAL ESTATE GROUP LLC	2900 NW Clearwater Drive, Ste. 320 BEND, OR 97703

License Information

License	License Type	Expiration Date	Status
200307226	Registered Business Name	07/31/2020	ACTIVE

Affiliated With

Name	Address	License	License Type	Status	Affiliation Date
Ambrose, Christopher Ray	2900 NW Clearwater Drive, Suite 320 Bend, OR 97703	201222217	Broker	ACTIVE	09/06/2018
Beeh, Julie Anne	19179 Gateway Loop Bend, OR 97702	201217918	Broker	ACTIVE	06/22/2016
Beeh, William Maxwell	19183 NW Mt. Shasta Drive Bend, OR 97703	201228415	Broker	ACTIVE	04/12/2019
BRANNOCK, LEE ALLEN	824 NE Copperleaf Loop, 1 BEND, OR 97701	200604027	Broker	ACTIVE	09/24/2015
BRUNDAGE, MOLLY SHEAHAN	2725 NW RAINBOW RIDGE DR BEND, OR 97703-0000	200402017	Principal Broker	ACTIVE	01/01/2009
Carlton, Mary Beth	PO Box 4324 Bend, OR 97707	201217568	Broker	ACTIVE	08/18/2017
CLOW, GARY LYON	PO BOX 220 BEND, OR 97709	201003025	Broker	ACTIVE	02/26/2016
DAVENPORT, SCOTT D	63894 Sunrise Cr. BEND, OR 97703	951200142	Broker	ACTIVE	12/02/2014
EWEN, MARY KATHLEEN	3235 NW Bungalow Court Bend, OR 97703	201111019	Broker	ACTIVE	03/09/2012
HARVEY, CANDICE LEE	18625 COUCH MRKT RD BEND, OR 97701-0000	200603335	Principal Broker	ACTIVE	02/21/2013
Henderson, Tamara Sandra	2451 NW 1st Street Bend, OR 97703	201226630	Broker	ACTIVE	11/06/2018
HINKLE, CYNTHIA LEONARD	61060 Bachelor View Rd BEND, OR 97702	200702045	Broker	ACTIVE	01/07/2019
MCPEAKE, SUSAN RENEE	2890 NE RAINIER DR BEND, OR 97701-0000	200410322	Broker	ACTIVE	08/28/2019

		License	License Type	Status	Affiliation Date
Perzynski, Holly S.	2083 NE Cradle Mountain Way Bend, OR 97701	201212008	Principal Broker	ACTIVE	03/02/2015
Rice, Rachel Rene	P.O. Box 232 201 Bend, OR 97709	201216736	Principal Broker	ACTIVE	03/01/2017
Shofstall, Lisa	2448 NW Awbrey Rd Bend, OR 97703-5463	201220169	Broker	ACTIVE	02/01/2018
SMITH, CHERI RENEE	547 SW 13th St. #201 BEND, OR 97702	200510126	Principal Broker	ACTIVE	06/08/2018
SMITH, WILLIAM MARTIN	547 SW 13th St Ste 201 Bend, OR 97702-3171	200611099	Broker	ACTIVE	01/03/2007
TOTAL REAL ESTATE GROUP LLC	312 NW 10th Ave Suite 200 Portland, OR 97209	201215771	Registered Branch Office	ACTIVE	12/01/2015
TOVAR, APRIL LYNN	618 NW Hemlock #1482 REDMOND, OR 97756-0000	200601109	Broker	ACTIVE	01/15/2010
Wart, Kara Ranée	1075 NW Northrup #2715 Portland, OR 97209	201208343	Broker	ACTIVE	12/15/2015
WOLKE, MARCI LOU	63427 Conger Ct Bend, OR 97701-1579	200804126	Broker	ACTIVE	01/22/2009
YOUNGER, MARY MARIE	1883 nw fields st BEND, OR 97703	201001147	Broker	ACTIVE	03/20/2012

EXHIBIT "3"

Principal Broker Course Completion Certificate

THIS CERTIFICATE WILL VERIFY THAT:

Christopher Ambrose

Real Estate License Number: 201222217

Mailing Address of:

2847 NW Fairway Heights Drive, Bend, OR 97703

has successfully completed the final examination for the correspondence/Internet study course:

Brokerage Administration and Sales Supervision

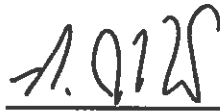
The course credit granted is **40 hours** on the date of **October 27, 2019** at www.OnlineEd.com. The date of completion is the date the actual Internet study course examination was actually taken and graded. This course is approved by the Oregon Real Estate Agency to meet the requirements of the Oregon Principal Real Estate Broker - Brokerage Administration and Sales Supervision 40 hour course required as a prerequisite to obtaining an Oregon Principal Real Estate Brokers License.

THIS OFFERING IS UNDER THE TOPIC OF
Brokerage Administration and Sales Supervision

OREGON REAL ESTATE AGENCY CERTIFIED CONTINUING EDUCATION COURSE

PROVIDER COURSE NUMBER: **1038-1039**

THIS COURSE WAS SPONSORED AND THIS CERTIFICATE ISSUED BY:



OnlineEd Inc.

N. Jeffrey Sorg, School Director

7405 SW Beveland Road, Portland, OR 97223

mail@OnlineEd.com, <https://www.onlineed.com/>

Phone: (503) 670-9278

Certificate Authentication Number: 1091080

This certificate is void if the above authentication number cannot be verified by OnlineEd

Click to verify: <https://www.onlineed.com/VERIFY?33F9-6AF2-7007-C0EC-1880>



EXHIBIT "4"



Christopher Ray Ambrose #132846

License Status: Active

Address: Ambrose Law Group LLC, 312 NW 10th Ave Ste 200, Portland, OR 97209

County: Non-California County

Phone Number: (503) 222-0552

Fax Number: (503) 222-0984

Email: crambrose@ambroselaw.com

Law School: Univ of San Diego SOL; San Diego CA

Date	License Status	Discipline	Administrative Action
Present	Active		
12/24/1987	Admitted to The State Bar of California		

Additional Information:

- Explanation of licensee status
- Explanation of disciplinary system
- Explanation of disciplinary actions
- Copies of official licensee discipline records are available upon request

CLA Sections: None

California Lawyers Association (CLA) is an independent organization and is not part of The State Bar of California.

EXHIBIT "5"

OSB Membership Directory

[New Search](#)

Full listings mode enabled for logged in bar members

Mr. Christopher R Ambrose

Bar Number 960344

Status Active Member

Admit Date 4/23/1996

Company Ambrose Law Group LLC

Mailing Address Mr. Christopher R Ambrose
Ambrose Law Group LLC
200 Buddha Bldg
312 NW 10th Ave
Portland OR 97209

County Multnomah

Phone 503 222-0552

Fax 503 222-0984

Email crambrose@ambroselaw.com

Website www.ambroselaw.com

Disciplinary History

Date	Sanctions	Details	Source
No Disciplinary Sanctions for this Member			

Sanction Definitions

Reprimand: A form of disciplinary action that declares a lawyer's conduct to be improper, but does not restrict or limit the lawyer's ability to practice law, usually because the misconduct is not particularly aggravated or serious.

Suspension: A form of disciplinary action that prohibits a lawyer from practicing law for a period of time. The length of suspension may range from 30 days to five years, depending on the nature of the lawyer's misconduct.

Probation: In some cases, a lawyer whose conduct warrants a disciplinary suspension may nevertheless continue to practice law, provided the lawyer complies with terms of probation for a period of time.

Disbarment: The permanent removal of a lawyer from the practice of law in Oregon, due to the extreme nature of the lawyer's misconduct.

Resigned - Disciplinary: A lawyer who resigned Form B from the Oregon State Bar on or after 1/1/1996, while a disciplinary investigation or proceeding was pending, forfeited his or her right to ever practice law in Oregon. A lawyer who resigned Form B prior to 1/1/1996 may apply for reinstatement.

This summary does not include admonitions.

This summary only includes final dispositions. Pending inquiries, grievances, and investigations are not shown. Contact the Public Records Coordinator for additional information at the [Public Records Center](#).

EXHIBIT "6"

Christopher Kay Ambrose

License Number: 26237

License Type: Lawyer

Eligible To Practice: Yes

License Status: Active

WSBA Admit Date: 11/15/1996

Contact Information

Public/Mailing Address: Ambrose Law Group LLC
547 SW 13th St Ste 201
Bend, OR 97702-3171
United States

Email: crambrose@ambroselaw.com

Phone: (541) 617-0707

Fax: (503) 467-7210

Website: www.ambroselaw.com

TDD:

Practice Information Identified by Legal Professional

Firm or Employer: Ambrose Law Group LLC

Office Type and Size: Not Specified

Practice Areas: Banking, Business/ Commercial, Contracts, Corporate, Debtor-Creditor, Foreclosure, Litigation, Real Property

Languages Other Than English: None Specified

Professional Liability Insurance

Private Practice: Yes

Has Insurance? Yes - [Click for more info](#)

Last Updated: 1/22/2019 8:00:00 AM

Committees

Member of these committees/boards/panels:

None

Disciplinary History

In some cases, discipline search results will not reveal all disciplinary action relating to a Washington licensed legal professional, and may not display links to the official decision documents.

EXHIBIT "7"

Book: Oregon Real Estate Deskbook (2015 edition)

21 . Real Estate Lending Regulation

Rev Date: 9/2015

Type: New edition

Authors: Mr. Christopher R Ambrose ; Mr. David R Ambrose ;

Sections:

REGULATIONS AFFECTING REAL ESTATE LOANS AND SALES – Chapter Outline

(§21.1) GENERAL DISCUSSION; SCOPE

(§21.2) TRUTH IN LENDING ACT (TILA) AND REGULATION Z

(§21.2-1) Generally

(§21.2-1(a)) Background

(§21.2-1(b)) Organization of TILA and Coverage

(§21.2-2) Exemptions; Differences in Exemptions for Real-Property Transactions

(§21.2-3) Determination of the Finance Charge on Real-Property Transactions

(§21.2-4) Right of Rescission

(§21.2-4(a)) General Rule

(§21.2-4(b)) Principal Dwelling Defined

(§21.2-4(c)) Multiple Owners of Principal Dwelling

(§21.2-4(d)) Giving Notice of Right to Rescind

(§21.2-4(e)) Waiver of Right to Rescind

(§21.2-4(f)) Timing of Rescission

(§21.2-4(g)) Penalty for Failure to Comply

(§21.2-5) Calculation of Annual Percentage Rate

(§21.2-6) Home-Equity Plans

(§21.2-7) Adjustable-Rate Mortgage Loans

(§21.2-8) Requirement That Maximum Interest Rate Be Established

(§21.2-9) High-Cost Mortgages, Reverse Mortgages, and Higher-Priced Mortgages

(§21.2-9(a)) High-Cost Mortgages

(§21.2-9(b)) Reverse Mortgages

(§21.2-9(c)) Higher-Priced Mortgage Loans

(§21.2-10) The TILA-RESPA Integrated Disclosure Rule

(§21.2-11) Additional Prohibitions Regarding Credit Secured by a Consumer's Dwelling

(§21.2-11(a)) Loan-Originator Compensation

(§21.2-11(b)) Prohibition on Mandatory Arbitration Clauses and Waivers of Certain Consumer

Rights

(§21.2-11(c)) Prohibition on Financing Credit Insurance

(§21.2-11(d)) Policies and Procedures to Ensure and Monitor Compliance

(§21.2-11(e)) Negative Amortization Counseling

(§21.2-12) Miscellaneous Special Rules for Certain Home-Mortgage Transactions

(§21.2-13) Minimum Standards for Transactions Secured by a Dwelling

(§21.2-13(a)) Scope

(§21.2-13(b)) Ability to Pay

(§21.2-13(c)) Refinancing of Nonstandard Mortgages

(§21.2-13(d)) Qualified Mortgages

(§21.2-14) Private Education Loans

(§21.2-15) Civil Liability

(§21.3) REAL ESTATE SETTLEMENT PROCEDURES ACT (RESPA)

(§21.3-1) Generally

(§21.3-2) Coverage of RESPA

(§21.3-3) General Requirements

(§21.3-4) Applicability of E-Sign

(§21.3-5) The TILA-RESPA Integrated Disclosure Rule

(§21.4) LAW PROHIBITS DISCRIMINATION IN REAL-PROPERTY FINANCING

(§21.4-1) Home Mortgage Disclosure Act

(§21.4-2) Equal Credit Opportunity Act

(§21.4-3) Fair Housing Act

(§21.5) LENDER SECURITY PROTECTION PROVISIONS

(§21.6) LIMITATION ON LATE CHARGES

(§21.7) PREPAYMENT PENALTIES

~~(§21.8)~~ **LINE-OF-CREDIT INSTRUMENTS**

(§21.9) FLOOD INSURANCE

(§21.10) SECONDARY-MARKET LOANS

(§21.11) USURY RESTRICTIONS AND FEDERAL PREEMPTION

(§21.12) FORCE-PLACED INSURANCE

(§21.13) ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT

(§21.14) GRAMM-LEACH-BLILEY ACT-PRIVACY AND INFORMATION SECURITY

(§21.15) FAIR DEBT COLLECTION PRACTICES ACT

EXHIBIT "8"

Oregon Real Estate Agency <noreply_rea@rea.state.or.us>
Reply-To: Oregon Real Estate Agency <orea.info@oregon.gov>
From: Christopher Ray Ambrose <crambrose17@gmail.com>

Fri, Oct 18, 2019 at 11:31 AM

Dear Christopher Ray Ambrose,

The Oregon Real Estate Agency has received your principal real estate broker license application. You may provide a copy of this e-mail to your real estate school as proof that you have submitted your license application to the Agency.

- Your applicant ID number is #201222217. Please keep this number for future use when contacting the Agency.
- Check your application status by logging into your eLicense account at <https://orea.elicense.irondata.com/>. Your license requirements will display under the Application Status tab.
- Agency records show that you must complete the following education from approved course providers to be eligible to take the principal broker license exam (only courses completed on or after January 1, 2013 qualify):
 - The 40-hour Brokerage Administration and Sales Supervision course.
- For more information on license requirements, please visit [Principal Broker License Requirements](#).

IMPORTANT NOTE: You are NOT actively licensed as a principal broker at this time. You cannot conduct professional real estate activity as a principal broker until you are actively licensed as one.

Oregon Real Estate Agency
530 Center St. NE Ste. 100
Salem, OR 97301
(503) 378-4170
www.rea.state.or.us
orea.info@state.or.us

**AGENDA ITEM NO.
IV.**

OREGON REAL ESTATE BOARD - CEP LOG (2016-2020)

6.6.16	Kenneth Holman	WITHDRAWN	Mr. Holman withdrew his petition and indicated his intention to re-petition the board as a trade association at a later date.
6.6.16	CMPS Institute (Gibran Nicholas)	APPROVED	FACTS: Chair Hermanski asked CMPS to summarize the basis of their petition. Gibran Nicholas explained that CMPS Institute has provided education across the country and is approved in 10 states to provide CE to real estate agents. Mr. Nicholas also explained CMPS Institute offers the following acceptable course topics: advertising; regulation; consumer protection; real estate taxation; and finance. Chair Hermanski asked if they were familiar with the record keeping requirements and Ms. Nicholas responded that they are familiar with the record keeping requirements MOTION TO APPROVE CMPS INSTITUTE'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY MARCIA EDWARDS SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE
10.3.16	Michelle Moore	APPROVED	FACTS: Ms. Moore explained that she had nine years of experience in providing continuing education courses covering the following topics: real estate consumer protection, risk management, dispute resolution, and negotiation, which are considered acceptable course topics. Dave Koch asked Ms. Moore if she was familiar with the record keeping requirements involved with being a provider and she responded that she was aware of the requirements. MOTION TO APPROVE BY DAVE KOCH SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE
12.05.16	Brix Law LLP	APPROVED	FACTS: Laura Craska Cooper and Brad Miller appeared by phone and Mr. Miller explained Brix Law LP specializes in real estate and land use transactions and both he and Ms. Craska Cooper had an extensive amount of experience in the following areas: real estate leasing, acquisitions, development, financing, general business, and negotiations. Chair Hermanski asked Mr. Miller and Ms. Craska Cooper if they were familiar with the record keeping requirements as a certified education instructor and Mr. Miller responded that they were familiar this requirement.
02.06.17	Systems Effect LLC	APPROVED	FACTS: Mr. Jordan appeared by phone and explained that Systems Effect LLC is a distance learning company that has been in business since 2008 and is currently approved to provide real estate continuing education courses in Arizona, Kansas, Minnesota, Missouri, and Ohio. He also stated that the courses offered cover the following acceptable topics: Principal broker record keeping and supervision, trust accounts, agency relationships, misrepresentation, disclosure, contracts, appraisal, fair housing, risk management, water rights, environmental protection, land use, real estate law, negotiation, and others. Dave Koch asked Mr. Jordan if a tracking device was in place to monitor class time and he responded that there is a timer in place to verify that students meet the required course time. Alex MacLean asked Mr. Jordan if there is a resource for student assistance with questions they might have and Mr. Jordan responded that there is a FAQ information, email system, and staff available for students.
02.06.17	American Dream Real Estate School LLC	APPROVED	FACTS: Herbert Nagamatsu appeared by phone and explained that American Dream Real Estate School created, administered and delivered online courses and training programs to students since 2005. He also stated that the courses offered cover the following acceptable topics: Contracts, Risk Management, and real estate finance. Dave Koch asked Mr. Nagamatsu how he derived the questions for the courses and he responded that the topics covered meet with rule and law. Alex MacLean asked Mr. Nagamatsu how students communicate with instructors he responded that contact information for instructors is posted online for students. Mr. Koch asked Mr. Nagamatsu how class time was tracked and he responded timing mechanisms were in place behind the scenes. Mr. Koch also asked Mr. Nagamatsu to explain his record keeping process and he responded records are kept for minimum of 3 years and backup for seven years.
02.06.17	Asset Preservation Inc.	APPROVED	FACTS: Elisa Mas appeared by phone and explained that Asset Preservation, Inc. has provided 1031 exchange courses for continuing education to real estate professionals all over the nations for over 25 years and was also approved to teach continuing education courses in Texas, New York, Florida, Colorado, Washington, Oklahoma, New Jersey, and Arizona as well as Oregon, previously. She also stated that the courses offered cover the following acceptable topics: Real estate taxation and Real Estate Finance. Alex MacLean asked Ms. Mas when her company was certified and she responded approximately one year ago. Mr. MacLean also asked Ms. Mas if her company was currently certified and if not, to explain the gap in time. Ms. Mas explained the previous administrator was expired and now they want to be certified again.
02.06.17	Military Mortgage Boot Camp	APPROVED	FACTS: Mike Fischer appeared by phone and explained the current class offered is a 2 or 3 hour version which covers appraisal, VA assistance, and transaction coordination. Chair Edwards asked Mr. Fischer which acceptable topics were covered in the courses offered and he responded that consumer protection was the topic covered. Dave Hamilton stated he would like to see Oregon's program incorporated in the course and Mr. Fischer responded they could incorporate Oregon's program. Chair Edwards clarified that although, incorporating Oregon's program was not a requirement or contingency, it was encouraged.
02.06.17	Fairway Independent Mortgage Corp.	APPROVED	FACTS: Kate Myers appeared before the board and explained Fairway Independent Mortgage Corp. was one of the mortgage companies that is allowed to handle VA loans. Chair Edwards asked Ms. Myers which acceptable course topics are covered in their courses and she responded that real estate finance was the topic offered. Dave Koch asked Ms. Myers if there was a record keeping mechanism in place and she responded there is an administrator who would be assigned the record keeping duties
04.03.17	Envoy	APPROVED	FACTS: Mr. Varcak appeared by phone and explained he has taught first time home buyers courses and facilitated other trainings. He also said he teaches courses covering the topic of Real Estate Finance, which is an acceptable course topic. Mr. Varcak indicated that his goal was to provide a more structured training program through Envoy. Coni Rathbone asked Mr. Varcak if he has kept track of continuing education credits and he responded that although he had not kept track of credits in the past, he did review all the record keeping requirements and was prepared to follow them. Dave Koch of he intended to use instructors to provide variety of topics and Mr. Varcak responded that he did intend to utilize other instructors. Commissioner Bentley

			asked Mr. Varcak if he had considered being an instructor rather than a provider and Mr. Varcak responded that his company wanted to provide their own coursework.
04.03.17	Oregon Rental Housing Association Education Inc.	APPROVED	FACTS: Ms. Pate appeared and explained ORHA Education Inc. is seeking a grant to provide supplemental education to landlords, tenants, and public education. Chair Edwards asked Ms. Pate which location records would be kept and she responded that she believed the Salem office located on Commercial St. would house the records. Commissioner Bentley asked Ms. Pate to clarify the topics that would be offered and she explained she intended to offer courses covering the following topics: Property management, advertising, any type of fair housing issue, real contracts, business ethics, and dispute resolution, which are all acceptable course topics.
06.05.17	Mason McDuffie Mortgage Corp.	APPROVED	FACTS: Mason McDuffie Mortgage Corp., Jesse Rivera appeared by phone and explained that he used his experience as a former real estate agent and high school teacher as a way to build good relationships. Mr. Rivera also explained that he would be teaching the following topics during his classes: Real estate finance, contracts, advertising, how to manage brokers, and business ethics, which are acceptable course topics.
8.7.17	Real Estate Training Institute, a division of Certified Training Institution	APPROVED	FACTS: Real Estate Training Institute, a division of Certified Training Institution, Ms. Teri Francis and Jenny MacDowel appeared by phone and explained that CTI is a distance learning provider with a total of 16 real estate courses approved by ARELLO and cover the following topics: principal broker supervision responsibilities, agency relationships and responsibilities for broker, principal brokers, or property managers, disclosure requirements, consumer protection, real estate contracts, real estate taxation, fair housings laws or policy, business ethics, risk management, real estate finance, and environmental protections issues, which are acceptable course topics.
10.02.17	Housing and Community Services Agency of Lane County	APPROVED	Mr. Baker explained he is the landlord liaison at HACSA and is in charge of maintaining the line of communication with landlords. He also stated that HACSA manages the section 8 program for all of Lane County. Mr. Baker explained the courses he offers cover the following topics: fair housing laws and policies, risk management, & advertising regulations, which are acceptable course topics. Chair Edwards asked Mr. Baker if he was familiar with the recordkeeping requirements for continuing education providers. Mr. Baker responded based on the recordkeeping requirements HACSA intends to maintain records both electronically and paper. Farley: Have you been offering courses both and working under a provider? Baker-currently we are partnering with the rental owners association of Lane Co who is a licensed provider-the reason we are asking for our agency is basically not being able to offer classes to the public at large being able to only offer classes to members of the association as well as property managers having to pay for those credits-we want to offer those credits for free. Edwards: excellent resource in Lane County I appreciate your outreach efforts.
10.02.17	Lumos Academy	APPROVED	Ms. Mueller explained Lumos is designed to provide exemplary real estate education and our goal is really to do our best to raise the competency level of the brokers throughout the State-better educated broker is better for the client-currently we have 3 instructors. Ms. Mueller explained that the courses offered by Lumos cover the following course topics: principal real estate broker supervision responsibilities, agency relationship and responsibilities, misrepresentation in real estate transactions, advertising regulations, real estate disclosure requirements, real estate consumer protection, fair housing, business ethics, risk management, dispute resolution, real estate escrow, real estate economics, real estate law and regulations, and negotiation, which are considered acceptable course topics.
12.04.17	Jesse Rivera	APPROVED	Jesse Rivera appeared in person and explained that he has extensive experience as an instructor and the courses he currently offers include the following course topics: Contracts, compliance with social media, real estate finance, real estate valuation, & negotiation, which are considered acceptable course topics. Ms. Rathbone asked Mr. Rivera what other topics he would be offering and he responded that he planned on giving instruction on advertising.
12.04.17	Carl W. Salvo	APPROVED	Carl Salvo appeared by phone. Mr. Salvo explained that he had been in the industry since 1997 and has been asked by several industry members to teach classes. Chair Edwards asked Mr. Salvo if he was familiar with the record keeping requirements as a certified continuing education provider and he responded that he was familiar with the record keeping requirements. He also explained the courses he offered cover the following course topics: how rates are determined, loan estimation, & appraisals, which are acceptable course topics.
04.02.18	Stephanie Shapiro	APPROVED	FACTS: Ms. Shapiro explained she has been involved in some capacity of teaching since 2007. She also explained she has been teaching home energy classes and would like to expand her courses. Chair Farley asked Ms. Shapiro if her company provided services to real estate brokers and Ms. Shapiro indicated that she does provide services to real estate industry. Ms. Shapiro has taught courses under the following topics: consumer protection, disclosure requirements, and real estate law/regulation, which are acceptable course topics. MOTION TO APPROVE MS. SHAPIRO'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE HAMILTON SECOND BY ALEX MACLEAN MOTION CARRIED BY UNANIMOUS VOTE
04.02.18	Sirmon Training & Consulting Group – Jason Sirmon	APPROVED	FACTS: Sirmon Training & Consulting Group, Jason Sirmon will appear by phone. Mr. Sirmon explained that his goal was to educate licensees about veterans who are currently on active duty or recently discharged. Chair Farley asked Mr. Sirmon if he was aware he could provide courses as an instructor rather than an continuing education provider and Mr. Sirmon responded that his reason for his petition was based on his approval in 20 different states as a provider and since he is not an instructor it is difficult to manage out of state instructors. Mr. Sirmon offers courses that cover the following topics: NC Mandaotry Update, NC Broker-in-Charge Update, REBAC-Green and Sustainable Housing, REBAC-Short Sales and Foreclosures, Client-Level Negotiation, Commercial and Investment Real Estate, and Ethics in Today's Real Estate, which are acceptable course topics. MOTION TO APPROVE SIRMON TRAINING & CONSULTING GROUP'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY CONI RATHBONE SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE
6.4.18	Finance of America Mortgage	Approved	FACTS: Finance of America Mortgage, Austin Strode will appear in person. Christina Danish appeared by phone and explained the petition was based on the company specializing in reverse mortgages. She also explained that the company is responsible for educating the real estate professionals about

			reverse mortgage/home equity mortgage process. Chair Farley asked Ms. Danish if she was aware that her company could provide education in Oregon as an instructor and Ms. Danish responded she was not aware of this process. Ms. Danish explained the courses FAR offers cover the following topics: reverse mortgage and finance, which are considered acceptable course topics. MOTION TO APPROVE FINANCE OF AMERICA MORTGAGE'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY PAT IHNAT SECOND BY DEBRA GISRIEL MOTION CARRIED BY UNANIMOUS VOTE
10.8.18	Lumen Mortgage Corporation	APPROVED	FACTS: Lumen Mortgage Corporation, David Blackmon will appear by phone. Mr. Blackmon explained that he was the President of Lumen Mortgage Corporation and his company partners with title and escrow companies to provide continuing education courses specific to condominium financing options as well as investment properties. He also explained that the courses offered include the following topics: Real estate finance; Condominiums; and Unit Owner Associations. Chair Farley asked Mr. Blackmon if the classes he offers are through another continuing education provider and Mr. Blackmon responded confirmed. Chair Farley inquired as to the length and level of experience in providing education. Mr. Blackmon explained he had been offering condominium for the last year and prior to that he provided education regarding condominium financing and unit owner association for 10 years. Dave Koch asked Mr. Blackmon what resources he draws in order to teach classes regarding condominium and unit owner associations and he responded that the structure of the courses is shaped through condominium financing eligibility. Debra Gisriel asked Mr. Blackmon if he was familiar with the record keeping requirements required for continuing education providers and confirmed he was familiar with these requirements. MOTION TO APPROVE LUMEN MORTGAGE CORPORATION'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE HAMILTON SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE
10.8.18	HD home Inspections LLC	APPROVED	HD home Inspections LLC, Russell Lucas will appear by phone. Mr. Lucas explained he provides education regarding building components and inspection issues and the acceptable course topic falls under Real estate property valuation, appraisal, or valuation and Real estate law or valuation. Pat Ihnat asked Mr. Lucas if he was familiar with the requirements involved in being a continuing education provider and he responded that he was familiar with the all requirements including recordkeeping. Dave Koch asked Mr. Lucas how many photos are involved in the inspections portion of the classes offered and Mr. Lucas responded he uses approximately 50 slides during his presentation. Jose Gonzalez asked Mr. Lucas to describe his interaction with first time buyers and Mr. Lucas explained that as an inspector he provides practical guidance and clarity for home buyers. MOTION TO APPROVE HD HOME INSPECTION'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY PAT IHNAT SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE
10.8.18	Scott Harris	APPROVED	Scott Harris will appear by phone. Mr. Harris explained he is a home inspector and engineer for many years. He also stated that he offers classes which include the following topics: Commercial real estate; Real estate property evaluation, appraisal, or valuation; Risk management; Real estate finance; Real estate development; and Real estate economics, which are all considered acceptable course topics. Mr. Koch asked Mr. Harris to give a brief profile of what the risk management course looked like and Mr. Harris responded these classes include information on how to find out about potential risks involved with properties. Mr. Koch also asked if Mr. Harris was aware of the recordkeeping requirements involved as a continuing education provider and Mr. Harris confirmed his awareness. DISCUSSION: Mr. Owens added that it is critical for licensees to consult with experts regarding home inspections. MOTION TO APPROVE SCOTT HARRIS'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE
12.10.18	Julia Felsman	APPROVED	Julia L. Felsman, Ms. Felsman explained she offers courses which include the following topics: Real estate taxation, real estate escrows, appraisals, real estate finance, RESPA, TILA, TRID, Condominium conversions, real estate investing, investment property analysis, economic trends, financial markets, and managing transactions, which are considered acceptable course topics. She also stated that she is very familiar with the record keeping requirements involved in being a continuing education provider. MOTION TO APPROVE JULIA FELSMAN'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY PAT IHNAT SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE
12.10.18	Chris Jacobsen	CONTINUED	Chris Jacobsen will appear by phone. Mr. Jacobsen explained offers courses that include the following topics: loan information, reverse mortgage, down payment assistance, home purchases, and rehabilitation loans. Chair Farley asked Mr. Jacobsen if he familiarized himself with the record keeping requirements associated with being a continuing education provider and Mr. Jacobsen responded that he had not reviewed the requirements. Lawnae Hunter suggested that Mr. Jacobsen's petition be revisited at the next board meeting. Chair Farley also recommended that Mr. Jacobsen's petition be continued to the 2.4.19 meeting agenda to allow him to review ORS Chapter 696 and OAR Chapter 863 regarding continuing education provider requirements.
12.10.18	Paul Davis	APPROVED	Paul Davis, Julie Peck will appear by phone. Ms. Peck explained she offers courses that include the following topics: property management, risk management, and commercial real estate, which are considered acceptable course topics. Chair Farley asked Ms. Peck if she was with the record keeping requirements associated with being a continuing education provider and she responded that she was very familiar with the requirements.

			MOTION TO APPROVE PAUL DAVIS'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY LAWNAE HUNTER SECOND BY DAVE KOCH MOTION CARRIED BY UNANIMOUS VOTE
02.04.19	Matt Fellman	APPROVED	Matt Fellman.. Mr. Fellman appeared before the board and explained that he offers the following topics in his classes: Consumer Protection, Real Estate Contracts, and Dispute Resolution, which are all considered acceptable course topics. MOTION TO APPROVED MATT FELLMAN'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH SECOND BY PAT IHNAT MOTION PASSED BY UNANIMOUS VOTE
02.04.19	Chris Jacobsen	APPROVED	Chris Jacobsen continued from 12.10.18 board meeting to allow Mr. Jacobsen to research ORS Chapter 696 and OAR Chapter 863 regarding CEP responsibilities. Mr. Jacobsen appeared by phone and explained that he had reviewed the rules and laws regarding provider responsibilities. DISCUSSION: Dave Hamilton stated that the board needed to be more selective in approving continuing education provider petitions. Debra Gisriel indicated she was not able to find a reason to deny Mr. Jacobsen's petition. Mr. Owens clarified that as industry practitioners, the board uses their knowledge and discretion to make these decisions. MOTION TO APPROVE CHRIS JACOBSEN'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH SECOND BY DEBRA GISRIEL MOTION CARRIED BY SEVEN AYES (JEF FARLEY, DEBRA GISRIEL, SUSAN GLEN, JOSE GONZALEZ, DAVE KOCH, PAT IHNAT, AND ALEX MACLEAN) AND ONE NAY (DAVE HAMILTON)
02.04.19	Kathy Kemper-Zanck	APPROVED	Kathy Kemper-Zanck. Ms. Kemper-Zanck appeared by phone and explained she had 11 years of experience as a mortgage broker and 3 as an educator. She also explained the primary course she offers covers the topic of Real Estate Finance, which is considered an acceptable course topic. Ms. Kemper indicated she could provide education on the following topics in the future: Advertising Regulations, Real Estate Contracts, Real Estate Property Evaluation, Appraisal or Valuation, Real Estate Title, Real Estate Escrows, and Condominiums, which are all considered acceptable course topics. MOTION TO APPROVE KATHY KEMPER-ZANCK'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH SECOND BY ALEX MACLEAN MOTION CARRIED BY UNANIMOUS VOTE
6.3.19	Old Republic Exchange Company, Ashley Stefan	APPROVED	Ashley Stefan appeared by phone. Pat Ihnat commented on Old Republic Title Company being a sister company in Portland Metro area. Dave Koch asked since it is an exchange company would classes be exchange-related. Ihnat asked who the instructor is, if they are an employee of the exchange company, and if classes would be live. Susan Glen asked about other classes and if they would offer classes besides 1031 exchange courses. DISCUSSION: Debra Gisriel asked question about criteria for approval. Jef Farley responded it changes depending on board members, explained history and considerations. Gisriel commented historically seem market driven. Pat Ihnat said if course quality poor, brokers will say so. Lawnae Hunter said she wrestled with this also. Agrees with Ihnat that it is self-regulating. Steve Strobe commented we approve providers, not instructors. Will convene continuing education workgroup later this year. Hunter said wants to be on workgroup and commented on other states requirements. Commented on requirement to be timed online for CE. Strobe said good conversations to have at workgroup. Jose Gonzalez commented if someone calls his office to teach, can tell right away if it is for marketing. Asked to keep in mind availability for small office. Dave Koch said he inquires whether applicants understand record keeping requirements and if instructor is qualified. Ihnat said live instruction is so much better. MOTION TO APPROVE OLD REPUBLIC EXCHANGE COMPANY'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE
10.7.19	Nonprofit Home Inspections	APPROVED	Nonprofit Home Inspections, Charles Lewis to appear in person. Mr. Lewis appeared in person and explained that Nonprofit Home Inspections is a nonprofit 501(c) (3) organization with the goal of making home inspections and the benefits of home inspections available to all. He also stated that another component to the organization is home inspector training. Chair Farley asked Mr. Lewis what the qualifications are for someone to be eligible for a home inspection. Mr. Lewis responded it is based on income. Ms. Gisriel asked Mr. Lewis if he was familiar with the recordkeeping requirements for certified education providers and Mr. Lewis responded that he was familiar with the requirements. Vice Chair Hunter asked Mr. Lewis if his organization has a board of directors and he responded that they did. Mr. Hamilton asked Mr. Lewis where the organization receives funding from and he responded the majority of funding comes from the fees for services. Ms. Ihnat asked Mr. Lewis if he would be the instructor providing the continuing education and he indicated that he would be one of the instructors. Nonprofit Home Inspections offer courses that include the following topics: Real estate property evaluation, appraisal, or valuation, and environmental protection issues in real estate, which are all considered acceptable course topics. MOTION TO APPROVE NONPROFIT HOME INSPECTIONS'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE
10.07.19	Andrew Varcak	APPROVED	Andrew Varcak, Mr. Varcak to appear by phone. Mr. Varcak appeared by phone and explained that he has been in the mortgage business for over 15

			<p>years, previously approved through another company, and had since become an independent instructor. Chair Farley asked Mr. Varcak if he was familiar with the recordkeeping requirements for certified education providers and he responded that he was familiar with the requirements. Ms. Ihnat asked Mr. Varcak if he was responsible for recordkeeping at his previous company and he responded that he was responsible for recordkeeping and turned all those records over to the regional manager with the understanding that the records must be maintained. Mr. Varcak offers courses that include the following topics: Real estate property evaluation, appraisal, or valuation, which are considered acceptable course topics.</p> <p>MOTION TO APPROVE ANDERW VARCAK’S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE</p>
10.07.19	Green Training USA	APPROVED	<p>Green Training USA, Kelly Caplenas to appear by phone. Ms. Caplenas appeared by phone and explained Green Training USA has focused on making home owners and agents aware of the importance of energy efficiency, clean air, and healthy homes. Chair Farley asked Ms. Caplenas if she was familiar with the recordkeeping requirements for certified education providers and she responded that her staff is familiar with the recordkeeping requirements. Chair Farley also asked Ms. Caplenas if her company was strictly an online provider and she responded that the company was not strictly an online provider. Mr. Koch asked Ms. Caplenas if her company had a timing system in place to track student activity and she responded that a system was in place to track student activity. Vice Chair Hunter asked Ms. Caplenas what type of training Green Training USA provided other than continuing education and Ms. Caplenas responded that the company has provided training on various energy efficiency measures. Green Training USA offers courses that include the following topics: Real estate property evaluation, appraisal, or valuation, and environmental protection issues in real estate, which are considered acceptable course topics. Ms. Higley and Ms. Alvarado stated that the Agency would provide an updated draft of the petition to include more information for petitioners to consider at the 12.2.19 board meeting for the board to review. DISCUSSION: Mr. Koch stated the energy audit requirement in Portland makes this topic very relevant. He also explained that Ms. Caplenas has shown a clear understanding of and has a system in place for recordkeeping.</p> <p>MOTION TO APPROVE GREEN TRAINING USA’S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH SECOND BY PAT IHNAT MOTION CARRIED BY 6 AYES (JEF FARLEY, LAWNAE HUNTER, PAT IHNAT, DEBRA GISRIEL, DAVE KOCH, AND JOSE GONZALEZ) AND 1 ABSENTIA (DAVE HAMILTON)</p>
10.07.19	Oregon State Credit Union	APPROVED	<p>Oregon State Credit Union, Lyndora Taylor to appear by phone. Ms. Taylor appeared by phone and explained that OSCU has been providing community education for more than 15 years. Chair Farley asked Ms. Taylor if OSCU has been actively teaching classes under other certified education providers and she responded that they have not. He also asked if the courses would be live courses with instructors and Ms. Taylor responded that the courses would be live with instructors. Mr. Koch asked Ms. Taylor if she was prepared to meet the recordkeeping requirements for certified education providers and she said that she is familiar with the recordkeeping requirements. He also asked if the courses that will be offered were already offered for the benefit of consumers and she responded that the courses will be specifically for realtors. Mr. Farley asked if Ms. Taylor would be personally instructing the courses and she responded that she along with other staff members would be instructing. OSCU will offer courses that include the following topics: Real estate finance, real estate property evaluation, appraisal, or valuation, which are all considered acceptable course topics.</p> <p>MOTION TO APPROVE OREGON STATE CREDIT UNION’S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY JOSE GONZALEZ SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE</p>
12.2.19	Alethea “Tia” Politi	APPROVED	<p>Alethea “Tia” Politi to appear in person. Ms. Politi explained her background included property management, rental owner, and president of the Rental Owners Association of Lane County, Board Secretary for the Oregon Rental Housing Association as well as a non-profit called ORHA Education Inc. Chair Hunter asked Ms. Politi if she was familiar with the guidelines for continuing education providers and asked her to give a brief overview of her classes. Ms. Politi responded that her classes she was currently teaching related to property management, ethics, conflict resolution, record keeping, fair housing laws/rules, and renters rehab. Chair Hunter also asked Ms. Politi if she was aware of the record keeping requirements for continuing education providers and Ms. Politi responded that she was aware. Mr. Hamilton asked Ms. Politi if she worked with several other organizations as an instructor and why she wanted to become a provider. Ms. Politi responded that she had been working with other organizations and becoming a provider would allow her to provide continuing education credit for the associations that were not providers. She also stated that she intended on establishing a business and offer customized trainings for property management and real estate companies. Mr. MacLean asked Ms. Politi if she offered her classes online or in person and she responded that her classes are in person. Ms. Politi offers classes that cover principal broker or property manager record-keeping and property management, which are considered acceptable course topics. Ms. Barnes asked Ms. Politi if she planned on becoming a CEP as an individual or a LLC and Ms. Politi responded her preference would be a LLC. DISCUSSION: Mr. MacLean stated that Ms. Politi demonstrated that she is well qualified to become a certified education provider. Ms. Glen stated continuing education for property managers is much needed.</p> <p>MOTION TO APPROVE ALETHEA “TIA” POLITI’S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY ALEX MACLEAN SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE</p>
12.2.19	Richard Gann	APPROVED	<p>Richard Gann to appear by phone. Mr. Gann explained that his business relies heavily on referrals from real estate agents/brokers, accountants, and other</p>

		<p>professionals. He also stated that his goal is to provide continuing education to the real estate community in particular with regard to commercial real estate and taxation. Ms. Gisriel asked Mr. Gann to provide specific learning objectives included in his classes that would fall under the acceptable course topics and also if he was familiar with the record keeping requirements for continuing education providers. Mr. Gann responded that he had extensive experience with continuing education record keeping. Mr. Hamilton asked Mr. Gann if he was currently working with real estate organizations that provide similar courses to licensees and Mr. Gann said the content he provided was not the same but unique. Ms. Barnes asked Mr. Gann if he planned on becoming a continuing education provider as an individual or as a business and he responded that he would be providing continuing education as an individual. Ms. Glen asked Mr. Gann what format he offered his classes through and he responded his content was totally educational. Mr. Gann offers classes that cover the following topics: Real estate taxation, real estate economics, and real estate law or regulation, which are considered acceptable course topics. DISCUSSION: Ms. Gisriel stated the motivation for becoming continuing education provider should be education rather than business development.</p> <p>MOTION TO APPROVE RICHARD GANN'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY ALEX MACLEAN SECOND BY SUSAN GLEN MOTION CARRIED BY 7 AYES (MARIE DUE, DEBRA GISRIEL, JOSE GONZALEZ, KIM HEDDINGER, LAWNAE HUNTER, AND ALEX MACLEAN) AND 1 NAY (DAVE HAMILTON)</p>
02.03.20	Bernard Black, B.C.E.	



PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER

Rev. 1/2017

Real Estate Agency
530 Center St. NE Ste. 100
Salem OR 97301
Phone: (503) 378-4170

INSTRUCTIONS

To petition the Real Estate Board for approval of qualifications to become an applicant for certification as a continuing education provider, the petitioner must complete this form and submit it by e-mail to madeline.c.alvarado@state.or.us a least 21 days before the next scheduled Board meeting at which the applicant wishes the Board to act.

IMPORTANT:

- ▶ If the petitioner is an entity, the information provided must pertain to that entity. If the petitioner is an individual, the information provided must pertain to that individual.
- ▶ All information and documents submitted as part of this petition become part of the Board Packet, and therefore, public record.
- ▶ Petitioners will need to appear before the Board. This may be done in person or by phone. Once the Agency receives this completed petition, a letter will be sent to the petitioner with the date of the Board meeting the petitioner will need to attend.

If the Board approves this petition, the Agency will mail a letter to the petitioner, at the mailing address provided, confirming the Board's approval. The petitioner may then apply for certification as a continuing education provider under OAR 863-020-0030.

PETITIONER

Name Bernard Black, B.C.E. Phone Number 503-535-9526

Physical Address 22975 Bland Circle Address Cont. _____

City West Linn State OR Zip Code 97068 County Clackamas

E-mail bernardkblack@yahoo.com

Mailing Address (if different) _____ Address Cont. _____

City _____ State Zip Code _____ County _____

AUTHORIZED CONTACT PERSON

Prefix Mr. First Name Bernard Last Name Black

Phone Number 503-535-9526 E-mail bernardkblack@yahoo.com

Indicate who will appear before the board on behalf of the Petitioner: Self

AGENCY USE ONLY

Approved by Board YES NO

Review Date _____

PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued

QUALIFICATION INFORMATION

Provide below sufficient information about the petitioner to allow the Board to determine whether the petitioner qualifies for certification. **If the petitioner is an entity, the information provided must pertain to that entity. If the petitioner is an individual, the information provided must pertain to that individual.**

Information **MUST** include one or both of the following:

- ▶ Petitioner's demonstrated expertise and experience in providing educational courses to real estate licensees.
- ▶ Petitioner's demonstrated experience and expertise in two or more course topics eligible for continuing education credit under OAR 863-020-0035.

You may attach up to **three (3)** additional pages if necessary.

See attached resume

I created a course for continuing education points for pest control license holders and qualified it with Oregon dept of agriculture. I taught the course to OREIA (Oregon Real Estate Inspector's Association). The course, "Pest Control in Real Estate Transactions" was designed for home inspectors. I made the course to help home inspectors improve their skills with respect to detection of pest problems during home inspections. I also wanted to demonstrate some of the control options for various pest issues.

I would like to offer a course to real estate agents to help familiarize them with pest control issues that may impact the sale of a home.

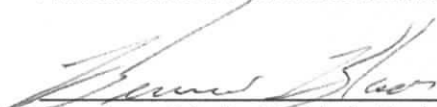
AUTHORIZATION AND ATTESTATION

- ▶ I hereby certify that I am authorized to submit this form on behalf of the petitioner and that the information is true and accurate, to the best of my knowledge.
- ▶ I acknowledge that petitioner, or authorized individual on petitioner's behalf, has read, understands and is ready to comply with the statutory and administrative rule provisions applicable to certified continuing education providers.
- ▶ I attest that petitioner knows and understands the responsibilities of a certified continuing education provider under OAR 863-020-0050.
- ▶ I attest that petitioner knows and understands the requirements of an instructor under ORS 696.186 and the information required on a continuing education instructor qualification form under OAR 863-020-0060.

Bernard Black, B.C.E.

Date 12-9-2019

Printed Name of Authorized Individual



Signature of Authorized Individual

Bernard Kilian Black, B.C.E.

22975 Bland
West Linn, Or. 97068-92 17
503-723-7959 home, 503-723-7957 cell
E-mail: bernardkblack@yahoo.com

General:

Solid background in pest control sales, management and customer service.
Highly skilled in commercial, industrial and residential pest management.
Excellent investigative, writing, illustration and communication skills.
Self motivated, efficiency oriented. Creative.

Education:

1980-1983 Bachelors of Science, Integrated Pest Management.
The University of California at Berkeley
Berkeley, CA 94720

1978-1980 California State College at Bakersfield
9001 Stockdale Highway
Bakersfield, CA 93309
Honors: Dean's list fall 1978, fall 1979.

Specialized courses:

1986 Pest Management (U.C. Berkeley).

1995 Food Plant Pest Management (Purdue University).

1997 Accounting (College of the Sequoias).

1997 Advanced Bird Control (Bird Barrier Corporation).

2000 Basic Food Plant Sanitation (American Institute of Baking).

2000-Present: Continuing education courses as required by Oregon. List is online My license is 158951 <https://mylicense.oda.state.or.us/plsapex/f?p=106:754>

Employment

July 2005- present

Self Employed: Black's Pest Services LLC. 22975 Bland Circle, West Linn, OR 97068
(Manager). I established a termite company. In January of 2006, I entered into the operation full time. I am in charge of all management duties and all policy decisions.

HAGEDORN Leandra * REA

From: ALVARADO Madeline C * REA
Sent: Tuesday, January 14, 2020 10:44 AM
To: HAGEDORN Leandra * REA
Subject: FW: Application for certification for Bernard Black

Below are the topics of expertise.

Madeline Alvarado | Licensing & Education Manager
Oregon Real Estate Agency
530 Center St. NE Ste. 100, Salem, Oregon 97301-2505
503-378-4590 | Fax: 503-378-2491
madeline.c.alvarado@oregon.gov | www.oregon.gov/rea

The Oregon Real Estate Agency is conducting a customer satisfaction survey. Your participation and comments are important to us and we would appreciate you taking a few minutes to complete the survey. The survey can be found here:

<https://www.surveymonkey.com/r/MDD9LPP>

From: Bernard Black <bernardkblack@yahoo.com>
Sent: Monday, January 13, 2020 5:28 PM
To: ALVARADO Madeline C * REA <Madeline.C.ALVARADO@oregon.gov>
Subject: Re: Application for certification for Bernard Black

Hi Madeline,

Thank you for your diligence. Sorry I didn't make myself clear.

There are many topics in pest control that relate to real estate maintenance and sales . As you know, pest control is clearly involved in protecting people's health (i.e. disease transmission via rats living in their homes), their property (i.e. termites and other wood destroyers) and their sanity (for example, bed bugs). Real estate agents are continually dealing with pest control professionals, usually after a home inspector finds a problem.

Specific 863-020-0035 topics:

Property Management (4-F). When managing rental property, for example, the physical structure of the home has to be protected. This would require the occasional inspection and mitigation of termites, wood beetle, carpenter ants, wood decay fungi, squirrels and other organisms.

Tenants occasionally run into issues with cockroaches, bedbugs, ants, mosquitoes etc. A property owner can be sued for failure to respond correctly to certain pest infestations.

Real Estate Consumer Protection (4-i) If a property has a pest problem that is not managed correctly, the consumer's health or property may be in jeopardy.

For example, a person with children is purchasing a home that has a raccoon present in the crawlspace. Normally, the offending raccoon would be removed, the entry point closed and damaged/contaminated areas would be removed.

Most real estate agents are unaware of the raccoon's habit of making a latrine (they defecate in a single place making a large pile). Raccoon Latrines nearly always carry *Baylisascaris*, a roundworm disease. Young children are at risk because they will place things in their mouth. Infections of humans are rare, but can be severe if the roundworm enters the eye or the brain.

Raccoons and the contamination they cause can be removed, but it is not always a simple matter. A property manager or a real estate agent should be aware of some of the basics of wildlife pest management.

Commercial Real Estate (4-k)

Commercial real estate encompasses properties including restaurants, offices and other places generally open to the public. This type of property is subject to the same pest pressures as individual homes with the consequences amplified. Suppose a building with a doctor's office as a tenant had an on-going rat problem with rats running between the walls. How does the rat issue for the doctor increase the risk for the property owner? What if a disease-carrying rat is suspected in making a person sick?

The homeless camping issue in Los Angeles has caused an outbreak of Typhus. This is a disease carried by parasites like fleas and body lice. Homeless camps are usually located in or near commercial zones. Someone owning or managing a commercial property near a homeless camp needs to be aware of the potentially deadly consequences.

Risk Management (4-R)

Pest control is risk management at many levels.

H.U.D. Example. When a property is sold in certain H.U.D. transactions, an NPMA form 33 is required. This form is a certified inspection issued by a pest control company stating that wood destroying organisms have/have not been found. Banks will generally not lend money on properties at risk of destruction by active pest infestations. The Inspection can clear a property or indicate treatment may be necessary.

Other examples of risk management are listed above. In fact, our modern society would not exist without improvements in medicine and pest control.

My expertise: I have a B.S. from U.C. Berkeley in Pest Management, I have over 35 years of experience in the field, I am a Board Certified Entomologist, I've given classes on pest control to Oregon Real Estate Inspection Association (O.R.E.I.A.), I've been an expert witness on real estate pest control issues. I am the current vice president and president-elect for Oregon Pest Control Operators Association. Lastly, I've been in more crawlspaces than any sane person should ever experience.

Mostly, I see a lot of ignorance related to how the public deals with pest control issues. I want to help.

Sincerely,

Bernard Black, B.C.E.

Manager, Black's Pest Services LLC

503-723-7957

About Bernard:

More than 35 years of experience in pest control . BS in Pest Management from UC Berkeley. Trainer, Expert Witness. Board Certified Entomologist. Black's specializes in bio rational pest control. We have developed highly effective pest control programs using low-tox products. Black's is licensed and insured. Visit our website: <http://www.blackspestservices.com/>

Member Oregon Pest Control Association and current Vice President, National Pest Management Association, Entomological Society of America

On Monday, January 13, 2020, 03:42:16 PM PST, ALVARADO Madeline C * REA <madeline.c.alvarado@oregon.gov> wrote:

Hi Bernard,

You did not demonstrate which two (or more) approved topics listed under [863-020-0035](#) you have your experience and expertise in.

Please respond with this required information no later than tomorrow afternoon.

Sincerely,

Maddy

Madeline Alvarado | Licensing & Education Manager

Oregon Real Estate Agency

530 Center St. NE Ste. 100, Salem, Oregon 97301-2505

503-378-4590 | Fax: 503-378-2491

madeline.c.alvarado@oregon.gov | www.oregon.gov/rea

The Oregon Real Estate Agency is conducting a customer satisfaction survey. Your participation and comments are important to us and we would appreciate you taking a few minutes to complete the survey. The survey can be found here:

<https://www.surveymonkey.com/r/MDD9LPP>

From: Bernard Black <bernardkblack@yahoo.com>
Sent: Monday, December 9, 2019 12:08 PM
To: madeline.c.alvarado@state.or.us
Subject: Application for certification for Bernard Black

Hi Madeline,

I attached an application for being a certified continuing education provider. I also attached a resume. If you need anything else, please let me know.

Sincerely,

Bernard Black, B.C.E.

Manager, Black's Pest Services LLC

503-723-7957

About Bernard:

More than 35 years of experience in pest control . BS in Pest Management from UC Berkeley. Trainer, Expert Witness. Board Certified Entomologist. Black's specializes in bio rational pest control. We have developed highly effective pest control programs using low-tox products. Black's is licensed and insured. Visit our website: <http://www.blackspestservices.com/>

Member Oregon Pest Control Association and current Vice President, National Pest Management Association,

Entomological Society of America

Jan 2001- Jan 2006

Industrial Fumigant Company (IFC), Olathe Kansas, (Territory Manager). Duties: I managed I.F.C.'s services and product sales in Washington and Oregon. During my five year contract, I was awarded territory most improved (2002) and most improved product sales (2003).

1986- 2000

Banner Pest Control Incorporated 1849th Ave., Kingsburg, CA 93631 (Director of Operations). Duties: management of service staff for the Pest Control, Termite and Exclusion divisions (including quality control, safety and legal compliance). Provided expert services for food processing facilities (sanitation and exclusion inspections, consultation, liaison tasks). I was also involved in sales, customer training and various public speaking engagements.

1983-1986

Crane Pest Control, 2700 Geary Blvd., San Francisco, CA 94118. (Commercial Service Technician). Duties: advising on sanitation conditions, writing sanitation reports, servicing industrial accounts for the removal and prevention of structural pests.

1980-1983

Tejon Farming Company, 500 Laval Road, Arvin, CA 93208. (Lab Assistant). (Employment was during summer college breaks '80 and '81 and '83).
Field Duties: Insect monitoring via pheromone traps, population estimations. Crop damage surveys. Neutron probe tests for soil water. Disease surveys
Lab Duties: Degrees Brix, pH and acid content assays for grapes. Maturity testing for walnuts. Quality testing of almonds. Writing weekly technical reports.

1982 (Summer)

U. S. Dept. of the Interior, Fish and Wildlife Service, Division of Ecological Services, Washington, D.C. (Cal-in-the-Capitol Student Volunteer)
Duties: I wrote and illustrated a manual for the Fish and Wildlife Service on the use of Integrated Pest Management for alfalfa on interior lands.

Special Qualifications/Associations:

Member Oregon Pest Control Association
Vice President Oregon Pest Control Association

Member: National Pest Management Association

Member: Entomological Society of America

Board Certified Entomologist 12/18/2013 to present. Certification Number
B3198

Expert Witness in two residential pest control lawsuits

Community Service:

I was in Rotary for five years and served as president of the Kingsburg club in 1991. I donate blood. I was the Executive Secretary of the Selma Hospital Foundation between 1988 and 1990.

Personal:

Excellent health. Hobbies include gardening, cooking, running, hiking, swimming, and guitar. Excellent driving record, clean background checks

Licenses & Misc:

Commercial Pesticide Operator Oregon (license 180105)

Commercial Pesticide Applicator (with General Pests, Space Fumigation and Structural Pests). Oregon. (158951)

Pest Control Operator License Washington State (62721).

Wildlife control operator license Oregon, (permit 100172)



Governor's State Employees Food Drive

The largest food drive benefiting the Oregon Food Bank Network.

About Us

The annual Governor's State Employees Food Drive is the largest food drive benefiting the Oregon Food Bank Network.

Vision

We envision hunger-free, healthy communities.

Mission statement

We're working towards a hunger-free Oregon, where state employees are neighbors helping neighbors build healthy communities.

Organization History

In the spring of 1979, Governor Atiyeh initiated Oregon Food Share, the first statewide food distribution network in the nation and the predecessor of the Oregon Food Bank Network, This was in response to federal cutbacks in food stamp allotments, now referred to as SNAP.

Then in 1982, Governor Atiyeh started the Governor's State Employees Food Drive, calling on every state agency to sponsor a food drive "to reduce the suffering of those without adequate food resources" and "to show that true Oregonians believe that we can and do help our friends and neighbors in need."

Governor's State Employee Food Drive

*Neighbors
Helping
Neighbors*

February 2020



Ways to participate:

- Make a payroll deduction
- Donate nonperishable food
- Participate in fundraisers
- Write a check
- Meet the Governor's Challenge by donating monthly

**OREGON
FOOD BANK
NETWORK**



Contact Us:

- FoodDrive@oregon.gov
- [Facebook.com/OGSEFD](https://www.facebook.com/OGSEFD)
- [Oregon.gov/FoodDrive](https://www.oregon.gov/FoodDrive)



OREGON FOOD BANK'S 10 HUNGER FACTS

**OREGON
FOOD BANK
NETWORK**

Hunger Fact #1

- The Oregon Food Bank Network helps **1 in 8 individuals** and **1 in 5 children** in Oregon and Clark County Washington. On average, **260,000** people receive food assistance through the Oregon Food Bank Network.

Hunger Fact #2

- Hunger is not just an individual experience; it is also a community-wide symptom of barriers to employment, education, housing and health care.

Hunger Fact #3

- We're not talking about a few families: 11% of Oregonians do not know where their next meal will come from.

Hunger Fact #4

- One in two children in K-12 schools qualify for free or reduced cost meals in Oregon. That means HALF of children in our state are facing poverty and hunger.

Hunger Fact #5

- Ending hunger in Oregon and SW Washington will require the efforts of each and every one of us. For every \$10 dollars you donate, the Oregon Food Bank Network can support our community with as many as 30 meals.

Hunger Fact #6

- Oregon Food Bank believes in community-led change. Our work to create hunger-free communities is led by people who have experienced hunger. We believe everyone deserves healthy, fresh food and we provide food assistance to anyone who needs it.

Hunger Fact #7

- Hunger affects health: almost half of respondent households have at least one person with high blood pressure, and almost one third have someone in the home with diabetes. We partner with 350 health care systems across the network to screen hundreds of thousands of Oregonians for food insecurity.

Hunger Fact #8

- Your donation stays local. Funds raised during this campaign will remain in the community where they were collected. The Oregon Food Bank Network distributes food to over 21 Regional Banks and 1,200 partner agency programs in Oregon and Clark County, Washington. ***Your support helps hunger relief agencies that are on the front lines feeding hungry families, seniors, veterans and children every day.***

Hunger Fact #9

- Oregon Food Bank focuses on freshness. The Fresh Alliance program brings nutritious food to those in need by partnering with local grocers and retailers to secure donations of produce, meat, dairy and more. The Oregon Food Bank Network received over 20 million pounds of food through Fresh Alliance last year. ***Your support helps to increase the amount of healthy food available to people struggling with hunger.***

Hunger Fact #10

- 93 per cent of every dollar donated supports Oregon Food Bank's food and education programs. Oregon Food Bank works to eliminate the root causes of hunger through advocacy, nutrition education, learning gardens and public education. Oregon Food Bank's mission is to eliminate hunger and its root causes... *because no one should be hungry. Each dollar you donate has maximum impact on vital programs so all are fed.*

Make checks payable to the Regional Food Bank that you wish to support.



Regional Food Banks of Oregon Food Bank

Updated: 11/6/19

RFB Name	Counties Served	Designation Code	Contact Person	Mailing Address	City, State	Zip	Phone	Email	Alternate Address
ACCESS Food Share	Jackson	BK01	Chris Bosse	PO Box 4666	Medford, OR	97501	(541) 774-4321	cbosse@accesshelps.org	3630 Aviation Way Medford, OR 97501 (physical)
CAPECO	Gilliam, Morrow, Umatilla, Wheeler	BK02	Angela Johnson	721 SE 3rd Suite D	Pendleton, OR	97801	(541) 278-5667	ajohnson@capeco-works.org	1605 NW 50th St Pendleton, OR 97801 (warehouse)
CCA Regional Food Bank	Clatsop	BK04	Dusten Martin	2010 SE Chokeberry Ave	Warrenton, OR	97146	(503) 861-3663	dmartin@ccaservices.org	
Clark County Food Bank	Clark	BK21	Holly Jones	6502 NE 47th Ave	Vancouver, WA	98661	(360) 693-0939	holly.jones@clarkcountyfoodbank.org	
Columbia Pacific Food Bank	Columbia	BK05	Meagan Fawcett	PO Box 1031	Saint Helens, OR	97051	(503) 397-9708	meagan@cpfoodbank.org	474 Milton Way St Helens, OR 97051 (physical)
Community Connection	Union, Baker, Grant, Wallowa	BK06	Audrey Smith	1504 N Albany St	La Grande, OR	97850	(541) 963-7532	audrey@ccno.org	
FOOD For Lane County	Lane	BK07	Stefani Roybal	770 Bailey Hill Rd	Eugene, OR	97402	(541) 343-2822 x124	sroybal@foodforlanecounty.org	
Food Share of Lincoln County	Lincoln	BK10	Pati D'Eliseo	535 NE First St	Newport, OR	97365	(541) 265-8578	pdeliseo@foodsharelincolncounty.com	
Josephine County Food Bank	Josephine	BK08	Kevin Widdison	PO Box 2380	Grants Pass, OR	97528	(541) 479-5556	kevin.widdison@jocofoodbank.org	3680 Upper River Rd Grants Pass, OR 97526 (warehouse)
Klamath-Lake Counties Food Bank	Klamath, Lake	BK09	Niki Sampson	PO Box 317	Klamath Falls, OR	97601	(541) 882-1223	niki@e-isco.com	3231 Maywood Dr Klamath Falls, OR 97603
Linn Benton Food Share	Linn, Benton	BK11	Ryan McCambridge	545 SW 2nd St Ste A	Corvallis, OR	97333	(541) 758-2608	rmccambridge@communityservices.us	33747 Looney Lane Tangent, OR 97389 (warehouse)
Marion-Polk Food Share	Marion, Polk	BK13	Josh Gwin / Sarah Mitchell	1660 Salem Industrial Dr NE	Salem, OR	97301	(503) 581-3855	JGwin@marionpolkfoodshare.org / SMitchell@marionpolkfoodshare.org	
Columbia Gorge Food Bank (Checks made out to: Oregon Food Bank BK14)	Hood River, Sherman, Wasco	BK14	Julie Peterman	7900 NE 33rd Dr	Portland, OR	97211	(503) 853-8738	jpeterman@oregonfoodbank.org	
NeighborImpact	Crook, Deschutes,	BK03	Carolyn Candela	2303 SW First St	Redmond, OR	97756	(541) 316-2037	carolync@neighborimpact.org	
Oregon Food Bank - Portland Metro area	Multnomah, Clackamas	BK15	Julie Peterman	7900 NE 33rd Dr	Portland, OR	97211	(503) 853-8738	jpeterman@oregonfoodbank.org	
Oregon Food Bank - Southeast Oregon Services	Harney, Malheur	BK12	Sheila Hyatt	773 S Oregon St	Ontario, OR	97914	(541) 889-9206	Shiatt@oregonfoodbank.org	
Oregon Food Bank - Tillamook County Services	Tillamook	BK16	Mis (Melissa) Carlson-Swanson	PO Box 1344	Tillamook, OR	97141	(503) 842-3154	mcswanson@oregonfoodbank.org	1760 Wilson River Loop Tillamook, OR 97141 (physical)
Oregon Food Bank - Washington County Services	Washington	BK18	Julie Peterman	7900 NE 33rd Dr	Portland, OR	97211	(503) 853-8738	jpeterman@oregonfoodbank.org	1870 NW 173rd Ave Beaverton, OR 97006 (warehouse)
South Coast Food Share (a program of Oregon Coast Community Action)	Coos, Curry	BK17	Laura Hunter	1855 Thomas Ave	Coos Bay, OR	97420	(541) 435-7097	lauras@orcca.us	225 LaClair Ave Coos Bay, OR 97420 (warehouse)
UCAN (United Community Action Network) Food Bank	Douglas	BK19	Sharon Randleas	280 Kenneth Ford Dr	Roseburg, OR	97470	(541) 492-3911	Sharon.Randleas@ucancap.org	
YCAP (Yamhill Community Action Partnership) Food Bank	Yamhill	BK20	Diane Longaker	PO Box 621	McMinnville, OR	97128	(503) 687-1474	DianeL@yamhillcap.org	1317 NE Dustin Ct McMinnville, OR 97128 (physical)

IMPORTANT - PLEASE READ

You must be able to comply with the requirements of a Certified Continuing Education Provider if the Board approves your or your company's qualifications.

When offering a course eligible for real estate continuing education credit, a Certified Continuing Education Provider **MUST** comply with **ALL** of the following requirements:

- Ensure the course is within the scope of one or more course topics listed in OAR 863-020-0035(3) or is the three-hour Law and Rule Required Course "LARRC" approved by the Board pursuant to OAR 863-022-0055. The Agency will not determine whether individual courses or classes are within the scope of an eligible course topic.
- Identify to real estate licensees which course topic(s) the offered course covers, or if the course is the three-hour Law and Rule Required Course "LARRC" under 863-022-0055, the Broker Advanced Practices course under OAR 863-022-0020, the Property Manager Advanced Practices course under 863-022-0055, or the Brokerage Administration and Sales Supervision course under OAR 863-022-0025.
- Ensure the minimum length of the course is one hour as required under OAR 863-020-0007.
- Assign a four-digit identifying course number to the course. (Any assignment of four numbers is acceptable. Each course must have its own number. Letters are not to be included in a course "number.")
- Ensure the course meets the learning objective requirements contained in OAR 863-020-0045. The Agency does not review or approve learning objectives.
- Ensure that the instructor who teaches a continuing education course offered for credit:
 - Meets the requirements set forth in ORS 696.186, and
 - Has completed and signed the Continuing Education Instructor Qualifications Form as required by OAR 863-020-0060.
- Obtain a copy of the completed and signed Continuing Education Instructor Qualifications Form for each instructor for your records per OAR 863-020-0050 and OAR 863-020-0060.
- Maintain records of each offered course as required by ORS 696.184(c) and OAR 863-020-0055 for three years from the date the course was provided.
- Upon completion of an eligible course, provide each licensee who attends the course a completed Certificate of Attendance that includes all of the information required under OAR 863-020-0050(5), including licensee name and license number.

If petitioner is not able to comply with any of the above requirements, you may wish to consider being an instructor for an already certified provider. Visit the Agency's [website](#) for further information on instructor qualifications.



PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER

Rev. 11/2019

Real Estate Agency
530 Center St. NE Ste. 100
Salem OR 97301
Phone: (503) 378-4170

INSTRUCTIONS

To petition the Oregon Real Estate Board for approval of qualifications to become an applicant for certification as a continuing education provider, the petitioner must complete this form and submit it by email to madeline.c.alvarado@oregon.gov at least 21 days before the next scheduled Board meeting at which the applicant wishes the Board to act.

IMPORTANT:

- If the petitioner is an entity, the information provided must pertain to that entity. If the petitioner is an individual, the information provided must pertain to that individual.
- All information and documents submitted as part of this petition become part of the Board Packet, and therefore, public record.
- Petitioners need to appear before the Board. This may be done in person or by phone. Once the Oregon Real Estate Agency receives this completed petition, a letter will be sent to the petitioner with the date of the Board meeting the petitioner will need to attend.
- Please do not submit any class or course information as the Oregon Real Estate Board is not able to review or consider this information.

If the Board approves this petition, the Agency will contact the petitioner confirming the Board's approval. The petitioner may then apply for certification as a continuing education provider under Oregon Administrative Rule (OAR) 863-020-0030.

PETITIONER

Name _____ Phone Number _____

Physical Address _____ Address Cont. _____

City _____ State _____ Zip Code _____ County _____

E-mail _____

Mailing Address (if different) _____ Address Cont. _____

City _____ State _____ Zip Code _____ County _____

AUTHORIZED CONTACT PERSON

Prefix _____ First Name _____ Last Name _____

Phone Number _____ E-mail _____

Indicate who will appear before the board on behalf of the Petitioner: _____

AGENCY USE ONLY

Approved by Board YES NO

Review Date _____

Continue on page 2

QUALIFICATION INFORMATION

Provide below sufficient information about the petitioner to allow the Board to determine whether the petitioner qualifies for certification. **If the petitioner is an entity, the information provided must pertain to that entity. If the petitioner is an individual, the information provided must pertain to that individual.**

Information **MUST** include one or both of the following:

- Petitioner's demonstrated expertise and experience in providing educational courses to real estate licensees.
- Petitioner's demonstrated experience and expertise in two or more course topics eligible for continuing education credit under OAR 863-020-0035.
- You may attach up to **three (3)** additional pages if necessary.

DRAFT

PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued

ACKNOWLEDGEMENT OF UNDERSTANDING		
	Initials	Agency Use Only
If approved by the Board, I must complete the Continuing Education Provider Application, which includes a \$300 fee.		
I understand the requirements of an education provider as outlined in Oregon Administrative Rules (OAR) chapter 863, division 20.		
I understand that the Petitioner must have and can demonstrate experience and expertise in two or more course topics eligible for continuing education credit as listed in OAR 863-020-0035.		
I understand that the Petitioner must have and can demonstrate experience in providing educational courses to real estate licensees.		
I understand the requirements of an instructor under Oregon Revised Statute (ORS) 696.186 and the information required on a continuing education instructor qualification form under OAR 863-020-0060.		
AUTHORIZATION AND ATTESTATION		

- I hereby certify that I am authorized to submit this form on behalf of the petitioner and that the information is true and accurate, to the best of my knowledge.
- I certify that petitioner, or authorized individual on petitioner's behalf, has read, understands and is ready to comply with the statutory and administrative rule provisions applicable to certified continuing education providers.

 Printed Name of Authorized Individual

 Signature of Authorized Individual

 Date:



OREGON REAL ESTATE BOARD CONTINUING EDUCATION PROVIDER PETITION CHECKLIST

Rev. 11/2019

Real Estate Agency
530 Center St NE Ste 100
Salem OR 97301
Phone: (503) 378-4170
Fax: (503) 378-2491
www.oregon.gov/rea

INSTRUCTIONS

This form may be used by the Oregon Real Estate Board, as a tool, to ensure petitioners have demonstrated their competency as an educational provider.

- **OAR 863-020-0005 & 863-020-0007** Continuing education credit hour. Demonstrated knowledge of the requirements in regards to the length of continuing education courses, including breaks. Credit hours issued must be based on the time it takes the licensee to complete the course. **If the provider is offering online courses, a timing mechanism must be used, and be auditable and verifiable by the Agency.**
- **OAR 863-020-0045** Course learning objectives. Petitioner has demonstrated an understanding that the provider must meet at least one of the learning objectives in the rule for each course offered, and understands the Oregon Real Estate Agency does not review or approve a continuing education provider's learning objectives or classes.
- **OAR 863-020-0050** Continuing education provider responsibilities. Petitioner has demonstrated knowledge in regards to responsibilities, including insuring offered courses for credit are within the scope of one or more approved course topics, and assigning a unique identifying number.
- **OAR 863-020-0050 & ORS 696.186** Responsibilities continued. Demonstrated knowledge that the instructor must meet the requirements in the statute and must complete the Instructor Qualification Form.
- **OAR 863-020-0050** Issuing certificates. Petitioner understands the requirements for issuing certifications of completion.
- **OAR 863-020-0055** Record-keeping requirements. Petitioner recognizes the requirement of maintaining records in a paper or electronic format for each course for three years from the date the course was taught. Petitioner acknowledges the required elements, including: name of course, the ID number, approved topic(s), date, location, length of time (credit hours), instructor, signed instructor qualification form, and the name and date of each licensee attending. Petitioner understands that, if requested, they must produce any requested records to the Agency within 15 business days after the date of the request by the Agency.
- **OAR 863-020-0065** Certification Revocation. The petitioner recognizes that Agency may revoke the continuing education provider's certification if the provider disregards or violates any applicable provision of Oregon Revised Statute chapter 696 or any Oregon Administrative Rule, chapter 863, division 20.

ADMINISTRATIVE ACTIONS for OREA Board
11/19/2019 through 1/22/2020
(corresponding orders are attached)

Revocations

Ziebert, Dorothy D. (Springfield), Principal Broker, 780402930, Final Order by Default dated December 16, 2019, issuing a revocation.

Leppert, Kathleen (Bend), Principal Broker, 200006112, Stipulated Final Order dated January 5, 2020, issuing a revocation.

Suspensions

None

Reprimands

Franklin, Georgina (Corvallis), Broker, 200012001, Stipulated Order dated December 3, 2019, issuing a reprimand.

Civil Penalties

Expired — Late Renewal civil penalties are computed using each 30-day period as a single offense. The civil penalty for the first 30-day period can range from \$100-\$500, with each subsequent 30-day period ranging from \$500-\$1,000. ORS 696.990

None

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

DOROTHY D. ZIEBERT

}
} FINAL ORDER BY DEFAULT
}

PROCEDURAL HISTORY

1.

1.1 On August 8, 2018, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Revoke* the real estate principal broker license of Dorothy D. Ziebert (Ziebert).¹ The Oregon Real Estate Agency (Agency) sent the Notice of Intent to Ziebert's last known address of record with the Agency (PO Box 72025 Springfield, OR 97475). The *Notice of Intent* was also mailed to Ziebert by regular first class mail. The certified mailing return receipt showed the *Notice of Intent* was received by Ziebert on August 15, 2018. The regular first class mailing was not returned to the Agency.

1.2 By letter dated August 15, 2018, Ziebert, through her attorney Adam Shultz, requested a hearing in this matter.² On December 6, 2018, the Agency referred the matter to Office of Administrative Hearings (OAH)³ who scheduled a Pre-Hearing Conference for February 6, 2019.⁴ On January 28, 2019, Attorney Adam Schultz advised OAH and the Agency that he no longer represented Ms. Ziebert.⁵ Thereafter on January 31, 2019, Ms. Ziebert advised OAH that she would be present at the "hearing",⁶ Ms. Ziebert did not appear at the Pre-hearing Conference and the Hearing was scheduled, in her absence, for October 1-

¹ P1.

² P2.

³ P3 and P4.

⁴ P5.

⁵ P6 page 1.

⁶ P7.

3, 2019.⁷ Ms. Ziebert was advised of the Hearing date in a February 6, 2019, Pre-Hearing Conference letter from Administrative Law Judge (ALJ) Gutman and again on February 6, 2019, through the *Notice of In-Person Hearing*.⁸

1.3 On September 17, 2019, the Real Estate Commissioner issued an *Amended Notice of Intent to Revoke* the principal broker license of Ziebert.⁹ The *Amended Notice of Intent* was mailed both certified and regular first class mail to the following addresses: PO Box 72025 Springfield, OR 97475 (Agency address of record) and 380 Q Street, Springfield, OR 97477. The certified mailing return receipt for the mailing to 380 Q Street, Springfield, OR showed the *Amended Notice of Intent* was received by Ziebert on September 23, 2019. The certified mailing return receipt for the mailing to PO Box 72025 Springfield, OR 97475 showed the *Amended Notice of Intent* was received by Ziebert on October 21, 2019. The regular first class mailing was not returned to the Agency.

1.4 A Protective Order was issued on September 20, 2019, which permitted the agency to share its investigative documents with its prior investigator for purposes of preparation for Hearing.¹⁰

1.5 On September 17, 2019, the Agency's Exhibits, Witness List, and Pleading Index were filed with the OAH. The Agency filed a Supplemental Exhibit Index and relevant Supplemental Exhibits on September 27, 2019. On the same date, the Supplemental Exhibit Index and Supplemental Exhibits were emailed to Respondent Ziebert.

1.6 Ziebert did not appear at the hearing, nor did she notify the Agency or the OAH that she would not appear at the scheduled hearing.

1.7 The ALJ and the Agency remained at the Hearing room for twenty (20) minutes past the time set for Hearing before going on the record to document that Respondent had failed to appear.¹¹

1.8 The Agency, in its *Notice of Intent* and *Amended Notice of Intent*, designated its entire investigation file for inclusion in the evidentiary record for purposes of default, including

⁷ P8 and P9.

⁸ P9 and P10.

⁹ P12.

¹⁰ P11 and P13.

¹¹ OAH Hearing audio.

all submissions from respondent and all information in the administrative file relating to the mailing of notices and any responses received.¹²

2.

Based upon the foregoing and upon a review of the above described investigation reports, documents and files, the Real Estate Commissioner finds:

FINDINGS OF FACT

2.1 On June 20, 2014, the Agency received Preferred Professional Property Management's (PPPM) response to a mandatory mail in audit of a security deposits account ending in #2293.¹³ Agency staff identified deficiencies in the documentation submitted in the response and, it appeared the account was short.¹⁴ The Agency opened an investigation.¹⁵

2.2 Thereafter, on June 24, 2015, the Agency received a complaint from Martin Lay (Lay); this was opened as a separate investigation.¹⁶

Investigation: 2014 Clients' Trust Account Audit.

2.3 As of the start of the investigation on September 17, 2014, Ziebert was licensed as a principal broker doing business under the registered business name of Preferred Northwest Realty (PNR).¹⁷

2.4 Ziebert also had part ownership (51% share) of another company named Preferred Professional Property Management (PPPM) and her daughter Cindy Webber (Webber) owned the other 49% share.¹⁸

2.5 As of the start of the investigation, on September 17, 2014, Ziebert's license was not associated with PPPM and PPPM was not affiliated with Preferred Northwest Realty.¹⁹

¹² P1 and P12.

¹³ Ex. A7 pages 1-8.

¹⁴ Ex. A7 pages 1-8 and Ex. A7.4 page 12.

¹⁵ Ex. A7 pages 1-8.

¹⁶ Ex. A8 and Ex. A9.

¹⁷ Ex A. 7 at Ex.A7.2; Ex.A10 and Ex.A11.

¹⁸ *Id.* at Ex.A7.1, Ex.A7.2 and Ex.A7.3.

¹⁹ *Id.* and Ex. A7.4, Ex. A7.5 and Ex. A11.

2.6 Notwithstanding the above, Ziebert handled most of PPPM's field work such as property inspections and showing rentals to prospective tenants. She also managed the company's bookkeeping and accounting records. All of the above occurred during the time that Ziebert's license was not associated with PPPM. Prior to October 2014, Ziebert was also responsible for PPPM's accounting. During that time, there was no written delegation of authority between Ziebert and Webber.²⁰

2.7 In October 2014, after the commencement of the agency audit, Webber and Ziebert decided to hire a bookkeeper. The Agency determined that as of January 26, 2015, Webber had just recently hired bookkeeper Sue Harris to assist with accounting.²¹

2.8 The Agency investigator also determined during the audit that in 2012 a storm caused major damage to a rental home managed by PPPM at 35 E. C Street, Halsey, OR 97348, owned by Phyllis Barker (Barker). Barker's insurance company covered much of the damage to the rental home however, it did not cover the entirety of the needed repairs. Vendor invoices totaled \$28,000, and the insurance payment was only \$17,867.20. The shortfall equaled \$10,780. Barker did not have sufficient funds in her owner account to cover the out of pocket cost of the repairs.²²

2.9 Because of the deficiency in Barker's account, Ziebert took it upon herself to use multiple tenants' security deposit funds from the tenants' security deposit account #2293²³ to pay the outstanding repair expenses on Barker's behalf. On May 4, 2012, check #456 for \$10,780 was transferred out of the tenants' security deposits account. The description for check #456, noted on the internal record of disbursement for the check entry was, "[trust 7643] PPPM BARKER," (the clients' trust account ends in #7643). These funds were used to pay expenses on Barker's behalf.²⁴

2.10 Ziebert planned to then withhold a portion of Barker's monthly owner draws and apply those funds to the security deposit account, to repay Barker's debt.²⁵

²⁰ *Id.*

²¹ *Id.*

²² *Id.* and Ex. A7.4, Ex. A7.5, Ex. A7.7, Ex. A7.8 and Ex. A11.

²³ This account was later renamed and renumbered as #2415.

²⁴ *Id.* and Ex. A7.4, Ex. A7.5, Ex. A7.7, Ex. A7.8 and Ex. A11.

²⁵ Ex. A7.4 page 13 Ex. A7.5 pages 16-18 and Ex. A11.

2.11 Ziebert and Webber considered the \$10,780 used on Barker's behalf to be a loan. There was no written contract, payment plan or promissory note related to this debt.²⁶

2.12 A handwritten ledger reflects the following 5 payments on the loan:

- July 9, 2014, \$1,000 payment, remaining balance \$9,780.00
- August 8, 2014, \$1,000 payment, remaining balance \$8,780.00
- (Month and day not clear) 2014, \$ 1,000 payment, remaining balance \$7,780.00
- January 7, 2015, \$1,500 payment, remaining balance \$6,280.00
- February 9, 2015, \$6,280 payment, remaining balance \$0.00²⁷

2.13 A copy of the Siuslaw Bank statement dated February 27, 2015, for account ending in #2415 showed the account name as "Client Trust Acct Security Dep."²⁸

2.14 On February 26, 2015, the Agency issued a written demand for documentation for the clients' trust account and security deposit on file with the Agency (clients' trust account ending in #7643 and tenants' security deposits ending in #2415²⁹). The demand requested the three way reconciliations for the month of February 2015 for both accounts. These documents were to be submitted by March 9, 2015. The records were not provided until April 30, 2015.³⁰

2.15 Reconciliation documentation received by the Agency on May 8, 2015, included a bank statement for account ending in #7643 at US Bank for the month of February 2015. The name of the account was titled "Preferred Professional Property Managem [sic] Real Estate Trust Account," on the bank statement.³¹

2.16 On May 12, 2015, the Agency received reconciliation packets for the months of February 2015 (a second submission for February 2015, with different totals and additional documentation that was not previously submitted), March 2015, and April 2015. The reconciliations were for clients' trust account ending in #7643. The clients' trust account ending in #7643 held funds for multiple properties.³²

²⁶ Ex. A7.8.

²⁷ Ex. A7.9.

²⁸ Ex. A7.11 page 27.

²⁹ Formerly known as #2293.

³⁰ Ex. A 7.10 page 23 -24.

³¹ Ex. A7.17 pages 59-63.

³² Ex. A7.18 (pages 64-75), Ex. A7.17(pages 75 to 86), Ex. A7.20 (pages 87 to 99).

2.17 The three-way reconciliation document had been reviewed and signed by Ziebert. Each packet contained a receipts and disbursement journal. The receipts and disbursement journal did not contain transaction descriptions or identifying codes for all entries. There were several entries listed simply as, "RENT INCOME," and did not indicate which tenants had paid the rent or for which properties the rent had been paid.³³

2.18 Each of the reconciliation packets included a report which was meant to serve as an owners' ledger. There were no transaction dates or descriptions present on the owners' ledgers.³⁴

2.19 The three components of the reconciliation were out of balance on the May 12, 2015 clients' trust reconciliation submissions for February 2015, March 2015 and April 2015 for clients' trust account ending in #7643.³⁵

2.20 All three months indicated that there was less money in the bank than what was recorded on the owners' ledger.³⁶

2.21 For February 2015, there was a stated difference of \$2,889.06. On the reconciliation form there was the following explanation, "During the month of February, an error in computing was discovered in the property management software. We have been in contact with technical assistance for correction. We are researching other software programs. This computer error interfered with the ability to balance. We have corrected the errors internally."³⁷

2.22 For March 2015, there was a stated difference of \$1,586.66. The reconciliation form contained the following explanation, "Continued correction from February 2015 discovery."³⁸

2.23 For April 2015, there was a stated difference of \$956.66. The reconciliation form contained the following explanation, "Continued correction from February 2015 discovery."³⁹

2.24 No detail of attempted corrective measures was noted on the reconciliation documents.⁴⁰

³³ Ex. A7.19 page 82, Ex. A7.20 pages 92-93.

³⁴ Ex. A7.18 (pages 64-75), Ex. A7.17(pages 75 to 86), Ex. A7.20 (pages 87 to 99).

³⁵ *Id.*

³⁶ *Id.*

³⁷ Ex. A 7.18 page 65..

³⁸ Ex. A7.19 page 76.

³⁹ Ex. A7.20 page 87.

Investigation of Lay's Complaint:

2.25 Lay owned Mar Shell Court located at 725 28th Street in Springfield Oregon, which consisted of a single family residence, five recreational vehicle spaces and ten mobile homes.⁴¹

2.26 Records show Webber and Lay signed and dated a property management agreement effective April 14, 2014, and expiring on May 14, 2015. There was no identifying code associated with the property management agreement. Webber used an identifying code of "Mar Shell" in the computerized record keeping system, but the code "Mar Shell" is not found on the property management agreement or tenant ledgers.⁴²

2.27 In Lay's complaint, he alleged that Nick Stoval, (Stoval), tenant in unit #11, who owed \$730.00 in back rent moved out mid May 2015 without notice, leaving his property a "complete dump." Lay alleged Webber and Ziebert refunded the security deposit to the tenant in full and Lay was charged a late fee of \$55.00 and a management fee of \$49.50.⁴³

2.28 A review of the tenant ledger indicates rent was \$495.00 per month and the security deposit was \$495.00.⁴⁴

2.29 A review of Lay's owner statement dated May 29, 2015, shows for unit #11 receipt on May 13, 2015 of \$495 with payment reference #541 and description of "Returned Depst." Disbursements are shown on May 14, 2015, for a \$49.50 management fee and a \$55.00 late fee.⁴⁵

2.30 Webber claimed the tenant in unit #11, Stoval, paid \$260.00 through April 15, 2015 and gave his notice April 16, 2015, in an email where he wrote he willingly forfeited his security deposit as his last month's rent.⁴⁶

⁴⁰ Ex. A7.18, Ex. A7.19 and Ex. A7.20.

⁴¹ Ex. A8 page 2.

⁴² Ex. A8.6 pages 19-23, Ex.A8.7 and Ex. A8.8.

⁴³ The entirety of the complaints is found at Ex. A8; Ex.A8.3 pages 12 – 14; Ex. A 8.8 pages 40-41, but for Stoval see specifically Ex. A8.3 page 13, Ex. A8.17 pages 89-90, Ex. A8.18 pages 91-2, Ex. A8.19 page 93. See also interview at Ex. A8.9 pages 42-44

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

2.31 On the tenant ledger for unit #11, a receipt of \$260.00 is shown entered in on April 6, 2015, leaving a balance due of \$235.00. No additional receipts or disbursements are shown for rent or the security deposit of \$495 after the entry on April 6, 2015.⁴⁷

2.32 For entries ranging from June 2014 through April 2015, the tenant ledger for unit #11 had missing details. The following details were missing from the tenant ledger: the identifying code, the identity of person tendering the funds, a check number, cash receipt number or unique series of letters or numbers for funds to establish an audit trail.⁴⁸

2.33 Lay alleged in his complaint unit #6 paid rent, but the rent did not show up on his owner statement as received into his clients' trust account, yet he was charged a management fee of \$43.00. Lay emailed Webber who claimed to correct the error, but Lay claimed he never received an updated statement showing the correction.⁴⁹

2.34 Lay's owner statement dated May 11, 2015, shows on April 23, 2015, a disbursement of a management fee of \$43.00 for unit #6, it did not show rent received during this time period.⁵⁰

2.35 The tenant ledger for unit #6 indicated a receipt of \$430.00 on April 23, 2015, for rental period May 1, 2015 through May 30, 2015. The tenant ledger lacked the following required details: identifying code, identity of person who tendered the funds, check number, cash receipt number or unique series of letters or numbers for funds tendered for April 2014 through May 2015, and the date funds were deposited.⁵¹

2.36 During her interview with Agency Investigator/Auditor Meghan Lewis (Lewis), Webber acknowledged she may not have sent Lay an updated owner statement. Webber was confident rent was received from the tenant and her entry error was corrected.⁵²

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ The entirety of the complaints is found at Ex. A8; Ex. A8.3 pages 12 – 14; Ex. A 8.8 pages 40-41, but for Hoggott (Complaint #3 Ex. A8 page 40) specifically see Ex. A8.20 page 94-98. Ex. A8.21 page 99, Ex. A8.22 page 100-101. See also interview at Ex. A8.9 p ages 42-44.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.* and Ex. A11.

2.37 Webber produced her property management records which showed on the owner ledger for Lay, for the period of April 2, 2015 through May 29, 2015, on April 23, 2015 an entry indicating rent received from tenant Hoggot, unit #6, for \$430.00.⁵³

2.38 Lay's owner ledger was missing the owner name, multiple receipts did not show a check number, cash receipt number or unique series of letters or numbers for the funds. Webber used an identifying code of "Mar Shell" in the computerized record keeping system, but the code "Mar Shell" is not found on the property management agreement or tenant ledgers.⁵⁴

2.39 Lay came to PPPM's office to request all keys for his properties. Webber released all the keys and signed a document on May 12, 2015, attesting to release of the keys.⁵⁵

2.40 Lay gave Webber and Ziebert a 45- day termination of management notice dated May 13, 2015. Lay wrote arrangements were to be made with him to obtain contracts, keys and security deposits and any money owed. In the notice it states that the property was under new management.⁵⁶

2.41 Per Ziebert's request, Lay submitted a second written termination notice dated May 19, 2015. In this notice, Lay requested all security deposits and rental contracts to be submitted to Keystone Management (the new property management company taking over his properties).⁵⁷

2.42 In an email dated June 1, 2015, Shelly Lay (Lay's wife) requested copies of thirty day notices relating to units #4, 6, 7, and 14.⁵⁸ On June 4, 2015, Shelly Lay made another email request for the notices and asked for copies of the tenant agreements.⁵⁹ She stated the tenant agreements had not yet been received by the new property manager.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Ex. A8.15.

⁵⁶ Ex. A8.14 page 85.

⁵⁷ Ex.A8.14 page 86 and Ex.A8.24 page 108.

⁵⁸ Ex. A8.23. This relates to Lay's Complaint #2 Ex. A8 page 14.

⁵⁹ Ex. A8.23 page 103.

2.43 In his complaint dated June 24, 2015, Lay claimed he never received the documents he requested.⁶⁰

2.44 Records indicate eleven security deposits were transferred to Keystone Management (the new property manager), with check #546 for \$5480.00 dated June 1, 2015.⁶¹

2.45 A ledger detail report dated February 19, 2016, for the period of April 2, 2015 to May 29, 2015, showed rental income received and corresponding management fees disbursed prior to an ending balance as of May 29, 2015, of \$455.00. No further rental income was received.⁶²

2.46 A report shows the transaction occurring on July 14, 2015, of check number #4842 for \$455.00, payable to PPPM with the description, "Management Fee."⁶³

2.47 The bank statement for clients' trust account #7643 for July 2015 showed check number #4842 posted on July 16, 2015, in the amount of \$455.00.⁶⁴

2.48 When Lewis asked for an explanation regarding the \$455.00 check, Sue Harris (Harris) responded stating it was an accounting software error where a check was erroneously generated payable to PPPM for management fees in the amount of \$455.00 with check number #4842. Harris stated after the transaction, the ledger showed a negative balance of \$455.00 and there was not any money in the ledger to issue a check. A ledger showing a negative balance of \$455.00 was never provided to the Agency. Harris claimed Lay was not owed money.⁶⁵

2.49 All of the above demonstrates incompetence in performing acts for which Ziebert is required to hold a license.

2.50 Ziebert's principal broker license expired on October 1, 2018 and was in lapsed status effective October 1, 2019.

⁶⁰ The entirety of the complaints is found at Ex. A8; Ex. A8.3 pages 12 – 14; Ex. A 8.8 pages 40-41, Ex. A8.20 page 94-98, Ex. A8.21 page 99, Ex. A8.22 page 100-101. See specifically Ex. A8 page 44.

⁶¹ Ex. A8.24 pages 105-106.

⁶² Ex. A9.3 pages 8-9; Ex. A9.4 pages 10-11

⁶³ Ex. A9.7.

⁶⁴ Ex. A9.11 page 25.

⁶⁵ Ex. A9.13 pages 29-31; Ex. A9.14 page 32; and Ex. A9.40-48.

STATEMENT OF LAW

1. ORS 696.301(3) as it incorporates:

a. ORS 696.026(7)(a) (2013 Edition), which states if a principal real estate broker has a registered business name, all professional real estate activity conducted by the principal broker must be conducted under the registered business name.

2. ORS 696.301(12) (2011, 2013, and 2015 Editions) which states a licensee's real estate licensee can be disciplined if they have demonstrated incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license.

3. ORS 696.890(3)(a)(b)(c)(e)(f) (2011 Edition), which states a real estate property manager owes the property owner the following affirmative duties: (a) to deal honestly and in good faith; (b) to disclose material facts known by the property manager and not apparent or readily ascertainable to the owner, (c) to exercise reasonable care and diligence; (e) to act in a fiduciary manner in all matters relating to trust funds, and (f) to be loyal to the owner by not taking action that is adverse or detrimental to the owner's interest. Ziebert's conduct is grounds for discipline under ORS 696.301(12) (above) and 696.301(15) (below).

4. ORS 696.890(4)(c)(d)(e) (2013 and 2015 Editions) which states a property manager owes the property owner the following affirmative duties: (c) to exercise reasonable care and diligence; (d) to account in a timely manner for all funds received from or on behalf of the owner; (e) to act in a fiduciary manner in all matters relating to trust funds. Ziebert's conduct is grounds for discipline under ORS 696.301(12) (above) and (15) (below).

5. ORS 696.301(3) as it incorporates:

a. OAR 863-025-0025(2) (5-15-14 Edition) requires a property manager to open and maintain at least one clients' trust account as defined in OAR 863-025-0010. Per OAR 863-025-0010(4), a clients' trust account means a bank account labeled as "Clients' Trust Account," on all bank records and checks that is established and maintained by a property manager. Per OAR 863-025-0010(4), a clients' trust account means a bank account labeled as "Clients' Trust Account," on all bank records and checks that is established and maintained by a property manager.

b. OAR 863-025-0025(4) (5-15-14 Edition) states except as provided in section (7) of this rule, a property manager who receives security deposits on behalf of an owner must open and maintain a security deposits account as defined in OAR 863-025-0010 that is separate from the property manager's clients' trust account. Per OAR 863-025-0010(16), a security deposits account means a federally insured clients' trust account labeled as "Clients' Trust Account- Security Deposits" on all bank records and checks that is established and maintained by a property manager.

c. OAR 863-025-0025(20)(b) (5-15-14 Edition) which states the balances of the each component in section (20)(a) of this rule must be equal to and reconciled with each other. If any adjustment is needed the adjustment must be clearly identified and explained on the reconciliation document.

d. OAR 863-025-0025(22) (5-15-14 Edition) which states a property manager must take corrective action to resolve all adjustments made in a reconciliation prior to the next reconciliation or document the good faith efforts the property manager has taken to resolve the adjustment.

e. OAR 863-025-0030(1)(a)(b)(c)(d) (9-1-11 Edition) which states except as provided in section (3) of this rule, all tenants security deposits received by a property manager must be deposited and maintained in a security deposits account until: (a) the property manager forwards the tenant's security deposit to the owner of the property according to the terms of the tenant's rental or lease agreement and the property management agreement; (b) the property manager disburses the tenant's security deposit for purposes authorized by the tenant's rental or lease agreement and the property management agreement; (c) the property manager refunds a deposit to the tenant according to the terms of the tenant's rental or lease agreement and the property management agreement; or (d) the property management agreement is terminated and the property manager transfers the tenant's security deposit to the owner unless the owner directs the property manager in writing to transfer the security deposits and fees to another property manager, escrow agent or person.

f. OAR 863-025-0035(2)(a) (5-15-14 Edition), which states a property manager must produce records required under section (1) of this rule as follows: (a) When the Agency makes

a request for production of property management records, the property manager must provide such records within no less than five banking days.

g. OAR 863-025-0040(2)(a)(C)(c)(5-15-14 Edition) which states a record of receipts and disbursements or a check register must contain at least the following information: (a) for each receipt of funds: (C) the purpose of the funds and identity of the person who tendered the funds; (c) If there is more than one property in a clients' trust account, each entry for a receipt, deposit or disbursement must be identified with the applicable identifying code.

h. OAR 863-025-0050(4)(c)(d)(B)(C)(D)(e)(A)(B)(C)(D)(E) (5-15-14 Edition). OAR 863-025-0050(4) requires a tenant's ledger to contain the following information: (c) the identifying code; (d) For each deposits of funds: (B) the purpose of the funds and identity of the person who tendered the funds, (C) The check number, cash receipt number or unique series of letters and/or numbers that established an audit trail to the receipt of funds and (D) the date the funds were deposited. (e) For each disbursement of funds: (A)the date the funds were disbursed; (B) the amount of funds disbursed; (C) the check number or bank-generated electronic tracking number; (D) the payee of the disbursement; (E) the purpose of the disbursement.

i. OAR 863-025-0050(4)(c)(d)(B)(C)(D) (4-1-13 and 5-15-14 Editions). OAR 863-025-0050(4) requires a tenant's ledger to contain the following information: (c) the identifying code; (d) For each deposits of funds: (B) the purpose of the funds and identity of the person who tendered the funds, (C) The check number, cash receipt number or unique series of letters and/or numbers that established an audit trail to the receipt of funds; (D) the date the funds were deposited.

j. OAR 863-025-0055(3)(a)(b)(C) (4-1-13 and 5-15-14 Editions) which requires owners' ledgers to contain: (a) the owner's name and identifying code; (b) for each deposit of funds: (C) the check number, cash receipt number or a unique series of letters and/or numbers that established an audit trail to the receipt of funds.

k. OAR 863-025-0055(3)(b)(B)(D)(c)(A)(E) (5-15-2014 Edition) which states (3) all owners ledgers must contain at least the following information: (b) for each deposit of funds: (B) the purpose of the funds and identity of the person who tendered the funds; (D) the date

the funds were deposited, (c) for each disbursement of funds: (A) the date the funds were disbursed, and (E) the purpose of the disbursement.

l. OAR 863-025-0068(2) (5-15-14) which states upon written request from the property owner, a property manager must deliver to the owner copies of the current rental or lease agreement, including all addenda and modification, within five business days of the date of the request for all information, unless the owner and manager agree to a different time period.

m. ORS 696.301(15) which states that OREA may discipline (up to and including revocation) any licensee who engaged in any conduct that is below the standard of care for the practice of professional real estate activity in Oregon.

ULTIMATE FINDINGS OF FACT

1. Ziebert conducted professional real estate activity by engaging in management of rental real estate on behalf of PPPM, prior to affiliating the company with Preferred Northwest Realty and associating her license with PPPM.
2. Ziebert used multiple tenants' security funds to repair Barker's rental property.
3. Ziebert disbursed tenants' security deposits funds to a single owner which created potential harm to other property owners.
4. Ziebert failed to use the required identifying language in the account name for security deposits account ending in #2415.
5. Ziebert failed to timely produce and provide the requested records for clients' trust account ending in #7643 and security deposits account ending in #2415.
6. Ziebert failed to use the required identifying language in the account name for clients' trust account ending in #7643.
7. Ziebert failed to have the required transaction descriptions and identifying codes for all entries in the receipts and disbursements journal.
8. Ziebert failed to have the required transaction dates or descriptions on owner's ledgers.
9. Ziebert failed to properly balance the clients' trust account reconciliations for account ending in #7643 for the months of February 2015, March 2015, and April 2015. The records indicate there was less money in the bank account than was recorded on the owners' ledger.

10. Ziebert failed to timely resolve the \$2,889.06 difference on the February 2015 reconciliation and the account remained out of balance on the March 2015 reconciliation. Ziebert also failed to provide detail of any attempted corrective measures.
11. Ziebert failed to entirely resolve the deficiency from the February 2015 reconciliation as of the April 2015 reconciliation, or document her attempts to resolve the deficiency.
12. Ziebert failed to entirely resolve the February 2015 reconciliation as of the May 2015 reconciliation or document her attempts to resolve the deficiency.
13. Between June 2, 2014 through April 6, 2015, Ziebert failed to include the required detail on tenant ledger for unit #11.
14. Between April 21, 2014 through April 23, 2015, Ziebert failed to include required details on the tenant ledger for unit #6.
15. Ziebert failed to include identifying information on Lay's owner ledger, for time period April 2, 2015 through May 29, 2015.
16. Ziebert failed to properly account for receipts and disbursements of clients' trust funds on the owners' and tenant ledgers.
17. Ziebert failed to timely deliver the tenant agreements requested by Lay.
18. Ziebert failed to properly account for the \$455.00 which was disbursed to PPPM by check number #4842 in July 2015.
19. Ziebert demonstrated incompetence through the above actions.
20. Ziebert engaged in conduct that is below the standard of care for the practice of professional real estate activity in Oregon.

CONCLUSIONS OF LAW

1. Pursuant to ORS 183.417(4) and OAR 137-003-0670 Ziebert is in default.
2. The material facts establish a violation of a ground for discipline under ORS 696.301 as set forth in the *Amended Notice of Intent to Revoke*. ORS 696.396(1),(2)(c)(B).
3. Specifically, Ziebert is subject to discipline pursuant to ORS 696.301(12) and (15) for incompetence in the performance of professional real estate activity and demonstrating

conduct that is below the standard of care for the practice of professional real estate activity in Oregon.

4. Based on the evidence in the record, the preponderance of the evidence weighs in favor of revocation of Ziebert's license.
5. The Agency may, therefore, revoke Ziebert's principal broker license.
6. Pursuant to ORS 696.775, the expiration of Ziebert's license does not prohibit the Commissioner from proceeding with this, or further, action.

OPINION

The Agency takes its consumer protection role very seriously. Ziebert's actions, as documented herein, effected multiple violations of Agency statutes and rules. There were violations of affiliation rules, violation of the bank account naming rules, violations of record keeping rules, violations of reconciliation rules, the failure to timely produce records requested by clients, violations of delegation rules etc. but the single most egregious violation was the mismanagement and misuse of client security deposit funds when Ziebert used multiple clients' tenant's security deposit funds from the joint client security deposit account towards repairs made on behalf of a single client property owner. The funds transfer was illegally made, inappropriately documented, and completely unsecured. Moreover, no attempts were made to recoup these funds prior to the commencement of the Agency audit. Thus the funds were not fully reimbursed for more than two and a half years from the date of disbursement. The fact that the funds were ultimately replaced does little to mitigate the serious violations that occurred. Combined with the multiple accounting and recordkeeping violations, these events demonstrate Ziebert's overall incompetence in her property management activity. The specific violations are set forth in the statement of facts above, and are repeated here for emphasis and to allow further comment as to each.

- (1) By conducting professional real estate activity by engaging in management of rental real estate on behalf of PPPM, prior to affiliating the company with Preferred Northwest Realty and associating her license with PPPM, Ziebert violated ORS 696.301(3) as it incorporates ORS

696.026(7)(a) (2013 Edition). This violation was a simple one which should have been quickly and easily correctable.

(2) By using multiple tenants' security funds to repair Barker's rental property, Ziebert violated ORS 696.301(12) (2011 Edition) and ORS 696.301(3) as it incorporates OAR 863-025-0030(1)(a)(b)(c)(d) (9-1-11 Edition). Combined the statute and rule set forth very clearly the manner in which tenant security funds are to be held and the circumstances under which they may be disbursed. None of those conditions existed when Ziebert chose to disburse the funds for the use of Ms. Barker.

(3) By disbursing tenants' security deposits funds to a single owner, Ziebert created potential harm to other property owners in violation of ORS 696.301(12) (2011 Edition) and ORS 696.890(3)(a)(b)(c)(e)(f) (2011 Edition) which require the property manager to deal honestly and in good faith, to disclose material facts known to the property manager and not apparent or readily ascertainable by the owner, to exercise reasonable care and diligence and to act in a fiduciary manner in all matters relating to trust funds, not to mention being loyal to the owner by not taking adverse positions – failure to act in compliance with these requirements demonstrates conduct that is below the standard of care for the practice of professional real estate activity in Oregon and demonstrates incompetence.⁶⁶ Far from dealing honestly and in good faith, Ziebert did not tell the other clients that she planned to use their tenant's security deposits for the sole benefit of Barker. She also failed to take any action to secure the moneys she was lending Barker, she further failed to appropriately document the "loan" or the repayments on that "loan", and while she may have been loyal to Ms. Barker she was certainly not loyal to her other clients since she was taking a position adverse to their interests.

(4) By failing to use the required identifying language in the account name for security deposits account ending in #2415, Ziebert violated ORS 696.301(3) as it incorporates OAR 863-025-0025(4) (5-15-14 Edition).

⁶⁶ For violations of ORS 696.890 Ziebert's conduct is grounds for discipline under ORS 696.301(12) and 696.301(15).

- (5) By failing to timely produce and provide the requested records for clients' trust account ending in #7643 and security deposits account ending in #2415, Ziebert violated ORS 696.301(3) as it incorporates OAR 863-025-0035(2)(a) (5-15-14 Edition).
- (6) By failing to use the required identifying language in the account name for clients' trust account ending in #7643, Ziebert violated ORS 696.301(3) as it incorporates OAR 863-025-0025(2) (5-15-14 Edition).
- (7) By failing to have the required transaction descriptions and identifying codes for all entries in the receipts and disbursements journal, Ziebert violated ORS 696.301(3) as it incorporates OAR 863-025-0040(2)(a)(C)(c)(5-15-14 Edition).
- (8) By failing to have the required transaction dates or descriptions on owner's ledgers, Ziebert violated ORS 696.301(3) as it incorporates OAR 863-025-0055(3)(b)(B)(D)(c)(A)(E) (5-15-2014 Edition).
- (9) Ziebert failed to properly balance the clients' trust account reconciliations for account ending in #7643 for the months of February 2015, March 2015, and April 2015. The records indicate there was less money in the bank account than was recorded on the owners' ledger. Ziebert violated ORS 696.301(3) as it incorporates OAR 863-025-0025(20)(b) (5-15-14 Edition).
- (10) Ziebert failed to timely resolve the \$2,889.06 difference on the February 2015 reconciliation and the account remained out of balance on the March 2015 reconciliation packet and Ziebert also failed to provide detail of any attempted corrective measures, in violation of ORS 696.301(3) as it incorporates OAR 863-025-0025(22) (5-15-14 Edition).
- (11) Ziebert failed to entirely resolve the deficiency from the February 2015 reconciliation as of the April 2015 reconciliation. She described the difference as a "correction from February." No detail of her attempted corrective measures was mentioned. By failing to timely resolve the issue or document her attempts, Ziebert violated ORS 696.301(3) as it incorporates OAR 863-025-0025(22) (5-15-14 Edition).
- (12) Ziebert failed to entirely resolve the February 2015 reconciliation as of the May 2015 reconciliation or document her attempts to resolve the deficiency. By failing to timely resolve the issue or document her attempts, Ziebert violated ORS 696.301(3) as it incorporates OAR 863-025-0025(22) (5-15-14 Edition).

(13) Between June 2, 2014 through April 6, 2015, Ziebert failed to include the required detail on tenant ledger for unit #11, in violation of ORS 696.301(3) as it incorporates OAR 863-025-0050(4)(c)(d)(B)(C)(D)(e)(A)(B)(C)(D)(E) (5-15-14 Edition).

(14) Between April 21, 2014 through April 23, 2015, Ziebert failed to include required details on the tenant ledger for unit #6, by doing so, in violation of ORS 696.301(3) as it incorporates OAR 863-025-0050(4)(c)(d)(B)(C)(D) (4-1-13 and 5-15-14 Editions).

(15) Ziebert failed to include identifying information on Lay's owner ledger, for time period April 2, 2015 through May 29, 2015, in violation of ORS 696.301(3) as it incorporates OAR 863-025-0055(3)(a)(b)(C) (4-1-13 and 5-15-14 Editions).

(16) By failing to properly account for receipts and disbursements of clients' trust funds on the owners' and tenant ledgers, Ziebert violated ORS 696.890(4)(c)(d)(e) (2013 and 2015 Editions). For violations of ORS 696.890 Ziebert's conduct is grounds for discipline under ORS 696.301(12) and (15).

(17) Ziebert failed to timely deliver the tenant agreements requested by Lay in violation of ORS 696.301(3) as it incorporates OAR 863-025-0068(2) (5-15-14).

(18) By failing to properly account for the \$455.00, which was disbursed to PPPM by check number #4842 in July 2015, Ziebert demonstrated incompetence in violation of ORS 696.301(12) (2015 Edition).

The rules identified in violations (4) through (15), are extremely important to the Agency's auditing abilities and thus its ability to ensure that the public's funds are protected. And, when combined with the agency rules related to honesty, good faith, the not misusing client funds, not to mention the need for competence, provide clear grounds for revocation of Respondent's license. Moreover, there is an excess of facts supporting the finding of violation in each instance and thus the preponderance of the evidence necessary for the finding that Respondent's license must be revoked.

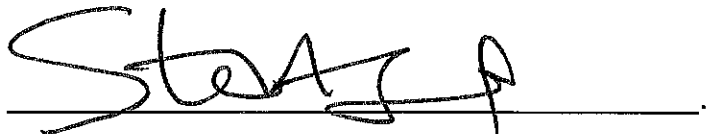
Furthermore, all of the above demonstrates conduct that is below the standard of care for the practice of professional real estate activity in Oregon. It also demonstrates incompetence in performing acts for which Ziebert is required to hold a license. ORS 696.301(12) and (15) (2011, 2013, and 2015 Editions).

ORDER

IT IS HEREBY ORDERED that Ziebert's principal broker license is revoked

Dated this 16th day of DECEMBER, 2019.

OREGON REAL ESTATE AGENCY



Steven Strode

Real Estate Commissioner

NOTICE OF RIGHT TO APPEAL: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the date of service of this order. Judicial review is to the Oregon Court of Appeals, pursuant to the provisions of ORS 183.482.

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate License of

5
6 KATHLEEN LEPPERT

7 } STIPULATED FINAL ORDER
8
9

10 The Oregon Real Estate Agency (Agency) and Kathleen Leppert (Leppert) do hereby
11 agree and stipulate to the following:

12 FINDINGS OF FACT
13 &
14 CONCLUSIONS OF LAW

15 1.

16 1.1 Leppert held a principal broker license working under the registered business
17 name Mountain Oasis Properties, Inc.

18 1.2 On February 11, 2019, property owners Anne Norment and Lawson Schaller filed
19 a complaint against Leppert with the Agency. The complaint alleged Leppert delayed
20 transferring rental proceeds, failed to respond to them and did not complete a final accounting.
21 On April 8, 2019, property owner Jeffery Bennet filed a complaint against Leppert with the
22 Agency. The complaint alleged Leppert failed to keep records, delayed transfer of rent
23 proceeds and failed to transfer rents collected for the previous three months.

24 1.3 The Agency opened an investigation.

25 1.4 On April 23 and April 24, 2019, Agency Financial Investigator/Auditors Lindsey
26 Nunes (Nunes) and Meghan Lewis (Lewis) met with Leppert at her home office. On April 24,
27 2019, Leppert surrendered her principal broker license.

28 1.5 Leppert told Nunes and Lewis she had mismanaged her business for the past
29 two years and admitted using clients' funds for personal use for bills and basic necessities.
30 ///

1 1.6 Leppert said it started about two years prior when her mother was ill, and Leppert
2 was her primary care provider until she passed. Leppert said after her mother passed away,
3 her father became ill and she was his primary care provider until he was admitted into an
4 assisted living facility. Leppert claimed she became overwhelmed, depressed and basically
5 just gave up.

6 1.7 At the start of the investigation Leppert had the following trust accounts
7 registered with the Agency: Mountain Oasis Properties - Client Trust Account ending in #5360
8 (CTA), and Mountain Oasis Properties - Client Trust Account - Security Deposits ending in
9 #5394 (CTA-SD).

10 1.8 Leppert stated she had not reconciled her clients' trust accounts in over two
11 years.

12 **Violation:** By failing to reconcile the CTA ending in #5360 and CTA-SD ending in #5394
13 for over two years Leppert violated ORS 696.301(3) as it incorporates OAR 863-025-0025(20)
14 and (21) (11-15-16 Edition) and OAR 863-025-0028(2) and (3) (1-1-2018 Edition). OAR 863-
15 0025(20) and (21) (11-15-16 Edition) and OAR 863-025-0025(2) and (3) (1-1-2018 Edition)
16 requires a property manager to reconcile each clients' trust account and security deposit
17 account within 30 calendar days of the date of the bank statement. The reconciliation must
18 contain the required three components and be equal each other.

19 1.9 According to Leppert she had been audited by the Agency in 2015 (passed the
20 audit) and then sometime after that everything, "went to hell." She failed to account for funds,
21 and stopped tracking receipts and disbursements.

22 1.10 Property owner Jeff Bennet's owner ledger showed an invoice from Severson's
23 Plumbing dated December 27, 2018 and showed it was paid on February 20, 2019. However,
24 the property owner stated the bill was never paid and provided the invoice and supporting
25 documentation showing the bill was paid by Bennet May 15, 2019.

26 **Violation:** By failing to properly account for all receipts and disbursements Leppert
27 violated ORS 696.301(3) as it incorporates OAR 863-025-0040 (11-15-16 and 1-1-2018
28 Editions), which requires a property manager to prepare and maintain a chronological record
29 of receipts and disbursements or a check register for each clients' trust account and security
30 deposits account in which the property manager must record each receipt of funds and

1 disbursements of funds and have the required detail for each transaction noted. Leppert also
2 violated ORS 696.890(4)(d),(e) (2015 Edition). Leppert's conduct prior to January 1, 2018 is
3 grounds for discipline under ORS 696.301(12) and (15). For conduct on or after January 1,
4 2018, Leppert violated ORS 696.301(3) as it incorporates ORS 696.890(4)(d),(e) (2017
5 Edition). According to ORS 696.890(4) a property manager owes the property owner the
6 following affirmative duties: (d) to account in a timely manner for all funds received from or on
7 behalf of the owner; (e) to act in a fiduciary manner in all matters relating to trust funds.

8 1.11 At some point Leppert failed to maintain security deposits in the CTA-SD, these
9 funds were held with owner funds in Leppert's CTA. In an email dated April 30, 2019, Leppert
10 stated she didn't know exactly when she stopped placing security deposits in the CTA-SD and
11 hadn't kept track. Additionally, she wrote in part, "I'd just take the money and place it in the
12 account and then pay people and when the properties transferred or a tenant moved out,
13 would pay their deposits often out of the CTA." Leppert also noted she transferred the
14 remaining security deposits into the CTA at some point in the last several months to get an
15 idea of how much money was left and what was owed.

16 **Violation:** By failing to keep security deposits in the CTA-SD Leppert violated ORS
17 696.301(3) as it incorporates OAR 863-025-0025(5) (11-15-16 Edition), and OAR 863-025-
18 0025(6) (1-1-2018) which requires a property manager who receives a security deposits on
19 behalf of an owner must open and maintain a security deposits account, as defined in OAR
20 863-0125-0010, that is separate from the property manager's clients' trust account.

21 1.12 In an email dated April 29, 2019 Leppert wrote, "The funds I used personally
22 went toward food, water/sewer, rent and gas for vehicles." "So as for [sic] where any money
23 went that was paid out of the CTA, it went to survival."

24 1.13 Records for the CTA ending in #5360 for the months of January 2019 through
25 April 2019 show transfers of funds out of the CTA to Mountain Oasis Business Checking. The
26 amounts transferred out appear to be inconsistent with what Leppert's management fee of
27 collected rents would have been. Leppert said she didn't take management fees, but just took
28 what she needed.

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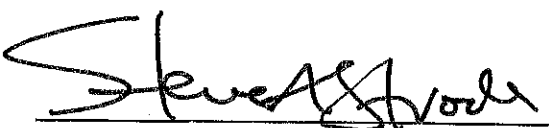
ORDER

IT IS HEREBY ORDERED that Leppert's principal broker license is revoked.

IT IS SO STIPULATED:

IT IS SO ORDERED:


KATHLEEN LEPPERT


STEVEN STRODE

Date 12/27/19

Real Estate Commissioner
Date 1/6/2020

1/6/2020
Date of Service

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REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

GEORGINA FRANKLIN

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Georgina Franklin (Franklin) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1 Franklin is licensed as a real estate broker with the Agency. On January 31, 2019, Franklin renewed her broker license. On the license renewal, Franklin disclosed she had been fined and was in the process of paying civil penalties to the Construction Contractor Board (CCB). The Agency opened an investigation.

1.2 On or around July 31, 2017, Franklin became licensed with CCB as a residential general contractor.

1.3 On November 15, 2018, CCB issued 10 separate default final orders against Franklin levying civil penalties.

1.4 On March 20, 2019 Franklin inactivated her broker license.

1.5 On February 28, 2019, the Electrical and Elevator Board of the State of Oregon issued Notice of Proposed Assessment of Civil Penalties and Notice of Final Order on Default. The notice became a final order by default (because Franklin failed to request a hearing) on March 22, 2019, levying a \$5,000 civil penalty against Franklin.

1.6 On April 2, 2019, CCB issued a Default Final Order suspending Franklin's license until all 10 civil penalties (total of \$3,800.00) were paid.

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ORDER


IT IS HEREBY ORDERED that Franklin's broker license be, and hereby is reprimanded.

IT IS SO STIPULATED:

IT IS SO ORDERED:



GEORGINA FRANKLIN



STEVEN STRODE

Real Estate Commissioner

Date 11-25-2019

Date 12/3/19

Date of Service: 12/3/2019

2019 Oregon Real Estate Agency Report to the Oregon Legislature: SB 688 – Temporary Authorizations for Military Spouses & Partners to Practice Real Estate

December 31st, 2019



Oregon Real Estate Agency

Steve Strobe
Oregon Real Estate Agency, Commissioner

Anna Higley
Oregon Real Estate Agency, Deputy Commissioner

The 2019 Oregon Real Estate Agency Report to the Oregon Legislature: *SB 688 – Temporary Authorizations for Military Spouses and Partners to Practice Real Estate* provides required data as well as outlines the actions taken and planned by the Agency in preparation for HB 3030 to take effect on January 1st, 2020.

Per the requirements of [SB 688](#), Agency responses are highlighted in grey below:

(a) The number of temporary authorizations issued to spouses or domestic partners of members of the Armed Forces of the United States who are stationed in this state;	0
(b) The number of applications for temporary authorization received by the professional Agency for which the professional licensing board did not issue temporary authorizations, and the reasons for which the temporary authorizations were not issued;	0
(c) The amount of time used to process and issue the temporary authorizations;	N/A
(d) The Agency’s efforts to implement and maintain a process to issue temporary authorizations;	
<u>Implement</u>	
• Review Substance of Bill with Oregon Real Estate Board	<input checked="" type="checkbox"/>
• Draft Temporary Rules	<input checked="" type="checkbox"/>
• Publish Information on Agency Website	<input checked="" type="checkbox"/>
• Real Estate Board Feedback on Temporary Rule	<input checked="" type="checkbox"/>
• Stakeholder/Industry Feedback on Temporary Rule	<input checked="" type="checkbox"/>
• Develop Communications Plan*	<input checked="" type="checkbox"/>
• Submit Temporary Rule	<input checked="" type="checkbox"/>
<u>Maintain</u>	
• Announcement of Rule to Licensees	February 2020
• Permanent Rulemaking Board Review	February 2020
• Stakeholder Meeting on Permanent Rule	March 2020
• Outreach:	April 2020
o Oregon Military Department’s Service Member & Family Support Program	
o Oregon Association of Realtors & National Association of Realtors Military Relocation Professional Designated Members	
o Oregon Coast Guard Members (PADET Astoria)	
• Agency Website Update – Military Spouse/Partner Relocation Page	June 2020
*Complete Communications Plan: Pages 6-7	

(e) Any other information relevant to the Agency’s efforts to assist spouses or domestic partners of members of the Armed Forces of the United States who are stationed in this state with obtaining temporary authorization.

During the temporary rulemaking process the Agency and the Board sought to determine the appropriate balance between supporting the intent of the bill and upholding the consumer protection mission of the Agency by ensuring applicants demonstrate competency to engage in professional real estate activity in Oregon.

In this review we found that the framework of pre-license requirements compares similarly among all jurisdictions, with most states requiring:

- Pre-license education.
- A criminal background check,
- Passing scores on state and national sections of a real estate examination, and
- Additional work experience for licenses that permit supervision of other licensees.

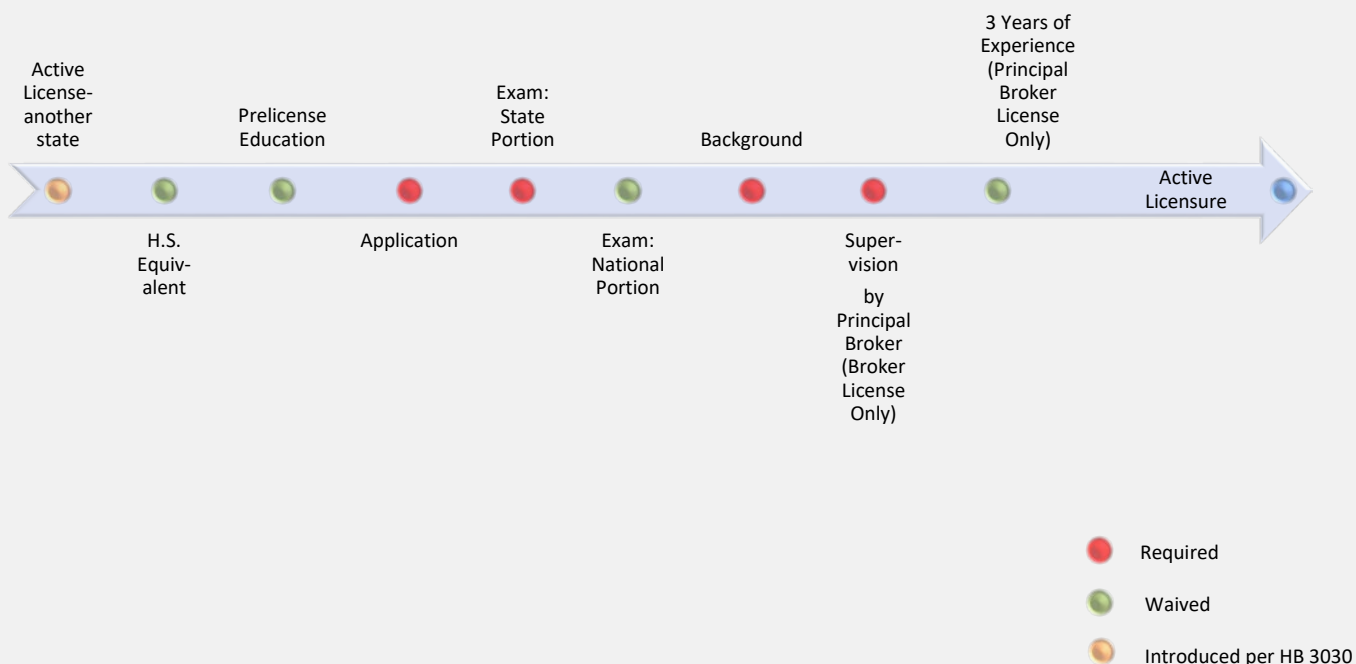
While the general licensing requirements are similar, the specific pre-license education requirements do vary significantly in relation to the number of clock hours and topics that an applicant must complete prior to taking the state and national sections of the exam.

The Agency determined it is crucial that a qualifying spouse or partner who applies for a temporary authorization to conduct professional real estate activity in Oregon must demonstrate an understanding of Oregon statutes and rules. To that end, applicants must pass the state section of the license exam. The national portion of the exam will be waived, as applicants have shown competency in this area by passing the license exam in the jurisdiction where their license is currently held.

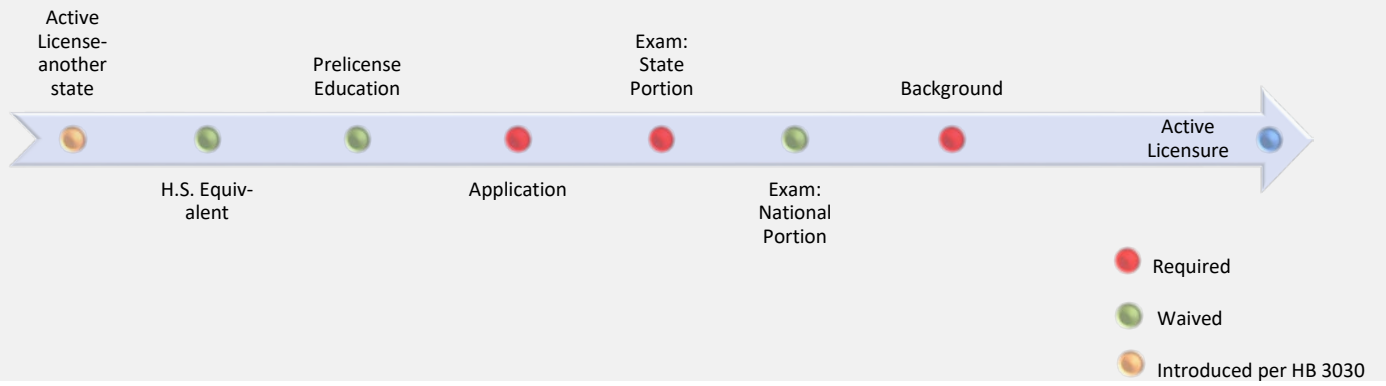
The Agency and the Board will continue this analysis and discussion with stakeholders through the permanent rulemaking process in 2020.

A visual guide to the licensing requirements for those applying for a Temporary Authorization for Armed Forced Spouses or Domestic Partners is below, followed by temporary rules in effect on January 1, 2020:

Temporary Authorization for Armed Forces Spouses or Domestic Partners – Licensing Requirements – Broker & Principal Broker



Temporary Authorization for Armed Forces Spouses or Domestic Partners – Licensing Requirements – Property Manager



Temporary Authorization for Armed Forces Spouses or Domestic Partners

- (1) Upon completion of the requirements in (3) through (5) of this rule, a spouse or domestic partner of an active-duty member of the United States Armed Forces who is stationed in this state may obtain a temporary authorization to conduct professional real estate activity as a real estate broker or principal broker. Such authorization is valid until the earliest of the following:
 - (a) Two years from the date of issuance;
 - (b) The date the applicant's spouse or domestic partner completes their term of active duty service in in this state; or
 - (c) The date the applicant's license issued by another state expires.
- (2) Upon submission of the application for authorization, the applicant must hold an active real estate license of the same real estate license category in another U.S. state. The applicant must be in good standing in the state or states in which the applicant is currently licensed.
- (3) To apply for temporary authorization, the applicant must:
 - (a) Complete an application and pay the related fee as provided in OAR 863-014-0010(1).
 - (b) Submit to a background check and fingerprint as provided in OAR 863-014-0015.
 - (c) Furnish certification of active license history issued by the state or states where licensed as required in (2) of this rule.
 - (d) Pay the required fee to the examination provider and pass the state portion of the real estate broker or principal broker license examination to demonstrate competency.
- (4) An applicant seeking temporary authorization to conduct professional real estate activity as a real estate broker must be associated with a principal broker as provided in OAR 863-014-0035(3).
- (5) An applicant seeking temporary authorization to conduct professional real estate activity as a principal real estate broker must either:
 - (a) Register a business name using an online application through the Agency's website as provided in OAR 863-014-0095; or
 - (b) Have an active principal broker transfer the applicant to an active registered business name under OAR 863-014-0063 using an online application available through the Agency's website.
- (6) The temporary authorization to conduct professional real estate activity as a real estate broker or principal broker may not be renewed on expiration. Previous holders of a temporary authorization must reapply and fulfill the requirements of ORS 696.022 and OAR 863-014-0035 or 863-014-0040 in order to conduct professional real estate activity in this state.

Statutory/Other Authority: HB 3030 Chapter 142, SB 688 Chapter 626 (2019 Laws)

Statutory/Other Implemented: HB 3030 Chapter 142, SB 688 Chapter 626 (2019 Laws)

Temporary Authorization for Armed Forces Spouses or Domestic Partners

- (1) Upon completion of the requirements of (3) and (4) of this rule, a spouse or domestic partner of an active-duty member of the United States Armed Forces who is stationed in this state may obtain a temporary authorization to engage in the management of rental real estate as a real estate property manager. Such authorization is valid until the earliest of the following:
 - (a) Two years from the date of issuance;
 - (b) The date the applicant's spouse or domestic partner completes their term of active duty service in in this state; or
 - (c) The date the applicant's license issued by another state expires.
- (2) Upon submission of the application for authorization, the applicant must hold an active property manager license in another U.S. state. The applicant must be in good standing in the state or states in which the applicant is currently licensed.
- (3) To apply for temporary authorization, the applicant must:
 - (a) Complete an application and pay the related fee as provided in OAR 863-024-0010(1).
 - (b) Submit to a background check and fingerprint as provided in OAR 863-024-0015.
 - (c) Furnish certification of active license history issued by the state or states where licensed as required in (2) of this rule.
 - (d) Pay the required fee to the examination provider and pass the property manager examination to demonstrate competency.
- (4) An applicant seeking temporary authorization to engage in the management of rental real estate as a real estate property manager must either:
 - (a) Register a business name using an online application through the Agency's website as provided In OAR 863-024-0095; or
 - (b) Have an active principal broker or licensed property manager transfer the applicant to an active registered business name under OAR 863-024-0063 using an online application available through the Agency's website.
- (5) The temporary authorization to engage in the management of rental real estate as a real estate property manager may not be renewed on expiration. Previous holders of a temporary authorization must reapply and fulfill the requirements of ORS 696.022 and OAR 863-024-0045 in order to engage in the management of rental real estate in this state.

Statutory/Other Authority: HB 3030 Chapter 142, SB 688 Chapter 626 (2019 Laws)

Statutory/Other Implemented: HB 3030 Chapter 142, SB 688 Chapter 626 (2019 Laws)

HB 3030 Communications Plan

Deadline	Audience	Message/Action
December 2019	Real Estate Board (Board)	Temporary rule review and feedback.
December 2019	Applicants and public	Update website to reflect temporary rule.
January 2020	Agency Staff	Training on new temporary rule and process changes.
February 2020	Licensees	Announcement of temporary rule in <i>Oregon Real Estate News-Journal</i> .
February 2020	Board	Review of permanent rules.
February 2020	Licensees, Board, OAR	Notice of stakeholder meeting on permanent rule making.
March 2020	Licensees, Board, Oregon Association of Realtors (OAR)	Stakeholder Meeting
March 2020	Licensees, Board, OAR	Notice of public comment period and hearing on permanent rules.
April 2020	Oregon Military Department's (OMD) Service Member and Family Support Program	Contact public affairs office of OMD to coordinate best way to get information out regarding availability of temporary real estate licensing for spouses or domestic partners of active members.
April 2020	OAR members with MRP (Military Relocation Professional) designation	Agency to meet with OAR to coordinate best way to get information out regarding availability of temporary real estate licensing for spouses or domestic partners of active members. Possible communication methods include presentations and flyers.
April 2020	Coast Guard members stationed in Oregon	Contact public affairs office in Astoria (PADET Astoria) to coordinate best way to get information out regarding availability of temporary real estate licensing for spouses or domestic partners of active members.
April 2020	Association of Real Estate License Law Officials (ARELLO) member states with similar laws	Engage with other states to develop best practices.
June 2020	Agency Staff	Training on new permanent rule and process changes.
June 2020	Applicants and public	Update website to reflect permanent rule and provide information on availability of temporary real estate licensing for spouse or domestic partner of military service member.
June 2020	Licensees	Announcement of permanent rule and provide information on availability of temporary real estate licensing for spouse or domestic partner of military service member via <i>News-Journal</i> .

Deadline	Audience	Message/Action
June 2020	Oregon Military Department's (OMD) Service Member and Family Support Program	Deliver content/material for distribution to stakeholder group.
June 2020	OAR members with MRP (Military Relocation Professional) designation	Deliver content/material for distribution to stakeholder group.
June 2020	Coast Guard members stationed in Oregon	Deliver content/material for distribution to stakeholder group.
June 2020	ARELLO	Provide update on permanent rule for reference by other states.

**REAL ESTATE BOARD
REGULATION DIVISION REPORT
February 3, 2020**

Regulation Division Manager: Selina Barnes
Compliance Specialists 3 (Compliance Coordinator): Deanna Hewitt, Rob Pierce
Financial Investigators (Investigator-Auditor): Jeremy Brooks, Aaron Grimes,
 Liz Hayes, Meghan Lewis, Lisa Montellano, Cidia Nañez, Lindsey Nunes, 1 Vacancy
Compliance Specialist 2: Carolyn Kalb
Compliance Specialists 1: Denise Lewis
Administrative Specialist: Vacant

Division Overview

The Regulation Division receives complaints and determines validity and assignment for investigation. Investigators gather facts (from interviews and documents), prepare a detailed written report and submit to the Manager for review. The Manager determines whether the evidence supports charging a person with a violation of Agency statutes or administrative rules, as well the appropriate resolution. The Manager conducts settlement conferences to resolve cases without a contested case hearing. If a hearing is requested, the Investigator works with the Assistant Attorney General in preparing for and presenting the case at hearing.

The Compliance Specialists are responsible for conducting: clients' trust accounts (CTA) mail-in reviews, expired activity investigations, and background check investigations. They also respond to inquiries regarding regulations and filing complaints from the public, licensees, and other governmental agencies.

Workload and Activity Indicators

<u>Average # in this Status at the time</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>Current 1/22/20</u>
Complaint	40	44	33	25	20	26	22
Pending Assignment	3	4	24	16	26	39	32
Investigation	47	52	49	50	38	48	51
PENDING & INVESTIGATION	50	56	73	66	64	87	83
<i>(# of Investigators)</i>	6	7	7	7	7*	6-7**	7
Admin Review	27	33	28	40	35	56	48

* One investigator on medical leave.

** One investigator on medical leave, then retired. Late 2019 vacancy was filled.

Interviews are being conducted in the Financial Investigator 1 (Investigator/Auditor) recruitment.

A new 3 hour course, Dos, Don'ts and Avoiding "Landmines", has been created. Selina Barnes will be presenting this new course following this board meeting and throughout 2020-2021.

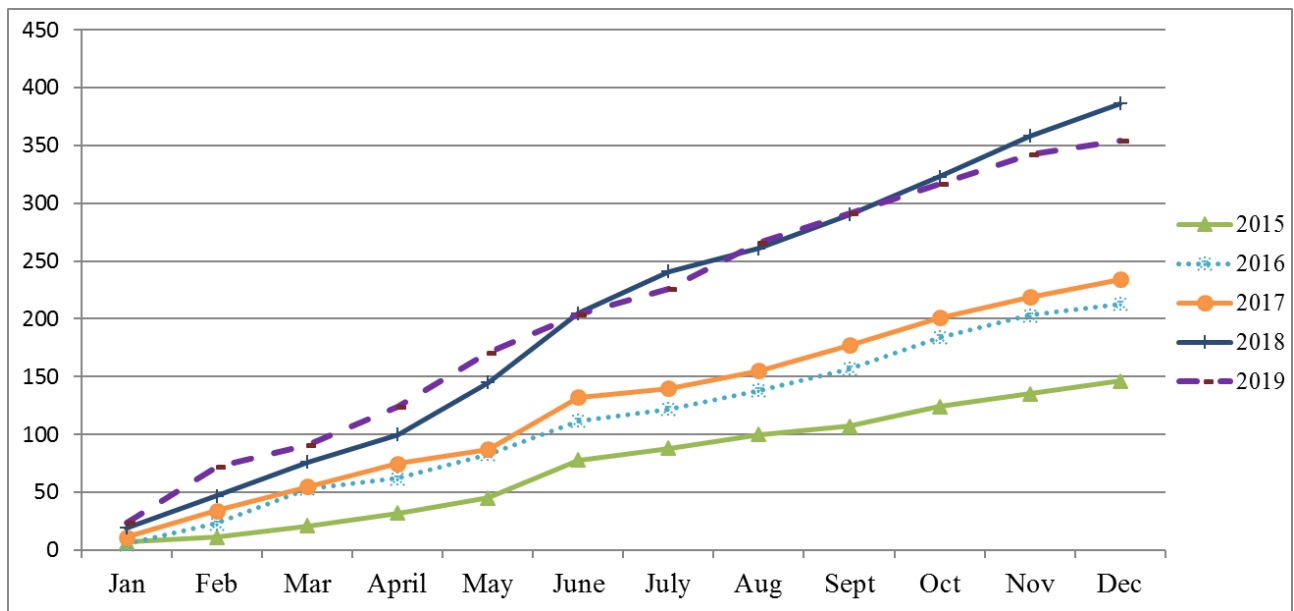
**Report to the Real Estate Board
Land Development Division
3 February 2020**

Division Manager: Michael Hanifin

Section Overview:

The Land Development Division reviews and approves filings related to condominiums, timeshares, subdivisions, manufactured home subdivisions, and membership campgrounds. The section reviews and approves the foundational documents creating these types of properties, as well as later amendments to those documents, to verify compliance with statutory requirements. We also issue the Disclosure Statement (sometimes referred to as a Public Report) required for sales of these interests to Oregonians. The Disclosure Statement summarizes key information about the condominium for the consumer, somewhat like the owner’s manual for a car.

Workload and Activity Indicators



Overall filing volume in 2019 remained high but tapered off a bit in November and December, resulting in a net year over year reduction in filings of 32 (2018 total filings were 386 and 2019 total filings were 354). For reference, average filing volume from 2010 thru 2017 was 207 filings per year.

Current Activity:

Temporary Rulemaking: The agency has filed temporary rules to implement HB 3030, as amended by SB 688 (2019 Regular Session), which created a right for certain persons to apply for a temporary authorization to practice a profession they are duly licensed for in another state. These temporary rules provided an application and process structure for such applications. A copy of the temporary rule is attached to this report. The agency is also working on a permanent rule related to this topic, with details to follow at the next Board meeting.

OFFICE OF THE SECRETARY OF STATE
BEV CLARNO
SECRETARY OF STATE

A. RICHARD VIAL
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

REA 1-2019
CHAPTER 863
REAL ESTATE AGENCY

FILED
12/30/2019 9:00 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Adoption of two temporary rules under Chapter 863

EFFECTIVE DATE: 01/01/2020 THROUGH 06/28/2020

AGENCY APPROVED DATE: 12/30/2019

CONTACT: Michael Hanifin
503-378-4632
michael.b.hanifin@oregon.gov

Equitable Center, Suite 100
530 Center St NE
Salem, OR 97301

Filed By:
Michael Hanifin
Rules Coordinator

NEED FOR THE RULE(S):

HB 3030, as amended by SB 688 (2019 Regular Session), create a right for certain persons to apply for a temporary authorization to practice a profession they are duly licensed for in another state. These rules provide the application process and structure for such applications.

JUSTIFICATION OF TEMPORARY FILING:

The laws being implemented by these temporary rules are effective January 1st, 2020. Adoption of these temporary rules provides a pathway for those utilizing the new law to apply for a temporary authorization while the agency finalizes permanent rule for this purpose.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

HB 3030, SB 688 (2019 Regular Session) Chapter 142, Chapter 626 (2019 Laws). The documents are available on the agency's website, at: https://www.oregon.gov/REA/Pages/laws_rules.aspx and a paper copy is available upon request.

RULES:

863-014-0054, 863-024-0054

ADOPT: 863-014-0054

RULE TITLE: Temporary Authorization for Armed Forces Spouses or Domestic Partners

RULE SUMMARY: This temporary rule provides the spouse or domestic partner of an active-duty member of the United States Armed Forces who is stationed in this state a process to be used when applying for a temporary license as a real estate broker or principal real estate broker.

RULE TEXT:

(1) Upon completion of the requirements in (3) through (5) of this rule, a spouse or domestic partner of an active-duty member of the United States Armed Forces who is stationed in this state may obtain a temporary authorization to conduct professional real estate activity as a real estate broker or principal broker. Such authorization is valid until the earliest of the following:

- (a) Two years from the date of issuance;
 - (b) The date the applicant's spouse or domestic partner completes their term of active duty service in in this state; or
 - (c) The date the applicant's license issued by another state expires.
- (2) Upon submission of the application for authorization, the applicant must hold an active real estate license of the same real estate license category in another U.S. state. The applicant must be in good standing in the state or states in which the applicant is currently licensed.
- (3) To apply for temporary authorization, the applicant must:
- (a) Complete an application and pay the related fee as provided in OAR 863-014-0010(1).
 - (b) Submit to a background check and fingerprint as provided in OAR 863-014-0015.
 - (c) Furnish certification of active license history issued by the state or states where licensed as required in (2) of this rule.
 - (d) Pay the required fee to the examination provider and pass the state portion of the real estate broker or principal broker license examination to demonstrate competency.
- (4) An applicant seeking temporary authorization to conduct professional real estate activity as a real estate broker must be associated with a principal broker as provided in OAR 863-014-0035(3).
- (5) An applicant seeking temporary authorization to conduct professional real estate activity as a principal real estate broker must either:
- (a) Register a business name using an online application through the Agency's website as provided in OAR 863-014-0095; or
 - (b) Have an active principal broker transfer the applicant to an active registered business name under OAR 863-014-0063 using an online application available through the Agency's website.
- (6) The temporary authorization to conduct professional real estate activity as a real estate broker or principal broker may not be renewed on expiration. Previous holders of a temporary authorization must reapply and fulfill the requirements of ORS 696.022 and OAR 863-014-0035 or 863-014-0040 in order to conduct professional real estate activity in this state.

STATUTORY/OTHER AUTHORITY: HB 3030, SB 688 (2019 Laws)

STATUTES/OTHER IMPLEMENTED: HB 3030, SB 688 (2019 Laws)

ADOPT: 863-024-0054

RULE TITLE: Temporary Authorization for Armed Forces Spouses or Domestic Partners

RULE SUMMARY: This temporary rule provides the spouse or domestic partner of an active-duty member of the United States Armed Forces who is stationed in this state a process to be used when applying for a temporary license as a real estate property manager.

RULE TEXT:

(1) Upon completion of the requirements of (3) and (4) of this rule, a spouse or domestic partner of an active-duty member of the United States Armed Forces who is stationed in this state may obtain a temporary authorization to engage in the management of rental real estate as a real estate property manager. Such authorization is valid until the earliest of the following:

(a) Two years from the date of issuance;

(b) The date the applicant's spouse or domestic partner completes their term of active duty service in in this state; or

(c) The date the applicant's license issued by another state expires.

(2) Upon submission of the application for authorization, the applicant must hold an active property manager license in another U.S. state. The applicant must be in good standing in the state or states in which the applicant is currently licensed.

(3) To apply for temporary authorization, the applicant must:

(a) Complete an application and pay the related fee as provided in OAR 863-024-0010(1).

(b) Submit to a background check and fingerprint as provided in OAR 863-024-0015.

(c) Furnish certification of active license history issued by the state or states where licensed as required in (2) of this rule.

(d) Pay the required fee to the examination provider and pass the property manager examination to demonstrate competency.

(4) An applicant seeking temporary authorization to engage in the management of rental real estate as a real estate property manager must either:

(a) Register a business name using an online application through the Agency's website as provided In OAR 863-024-0095; or

(b) Have an active principal broker or licensed property manager transfer the applicant to an active registered business name under OAR 863-024-0063 using an online application available through the Agency's website.

(5) The temporary authorization to engage in the management of rental real estate as a real estate property manager may not be renewed on expiration. Previous holders of a temporary authorization must reapply and fulfill the requirements of ORS 696.022 and OAR 863-024-0045 in order to engage in the management of rental real estate in this state.

STATUTORY/OTHER AUTHORITY: HB 3030, SB 688 (2019 Laws)

STATUTES/OTHER IMPLEMENTED: HB 3030, SB 688 (2019 Laws)

House Bill 4003

Sponsored by Representative MEEK, Senator MANNING JR, Representatives ZIKA, KENY-GUYER, SALINAS; Representatives ALONSO LEON, CLEM, GREENLICK, HELT, HOLVEY, MITCHELL, NERON, NOSSE, PILUSO, POWER, PRUSAK, REARDON, SANCHEZ, SCHOUTEN, SMITH DB, WILDE, WILLIAMS, WITT, Senators DEMBROW, FREDERICK (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Authorizes Housing and Community Services Department to provide grants and technical assistance to organizations increasing homeownership program access to persons of color. Authorizes expending Home Ownership Assistance Account funds for those purposes. Makes funds available to federally recognized Indian tribes.

Amends tax credit provisions for donations supporting individual development accounts. Makes effective for tax years beginning on or after January 1, 2021.

Requires Department of Consumer and Business Services to require implicit bias training for mortgage loan originators. Requires Real Estate Commissioner to require implicit bias component to real estate licensing exam and continuing education credits by January 1, 2021.

Establishes Joint Task Force on Addressing Racial Disparities in Home Ownership. Requires task force to report to interim committee of Legislative Assembly on or before December 1, 2020. Sunsets task force on February 1, 2021.

Appropriates moneys to Housing and Community Services Department and Legislative Policy and Research Committee to administer Act.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to addressing disparities; creating new provisions; amending ORS 86A.215, 86A.221, 315.271, 458.610, 458.655 and 458.690; and prescribing an effective date.

Whereas Oregon's communities of color do not have equal, fair or equitable access to homeownership; and

Whereas a comprehensive review of public, private and nongovernmental data sources show that communities of color own homes at lower rates than their white non-Hispanic counterparts; and

Whereas these disparities are the result of historical and current discriminatory housing policies and practices, disparate access to credit, generational poverty and racial biases, which are exacerbated by present-day barriers that disproportionately impact Oregon's communities of color; now, therefore,

Be It Enacted by the People of the State of Oregon:

HOME OWNERSHIP ASSISTANCE ACCOUNT

SECTION 1. Section 2 of this 2020 Act is added to and made a part of ORS 458.600 to 458.665.

SECTION 2. (1) The Housing and Community Services Department, in consultation with the Oregon Housing Stability Council, shall provide grants and technical assistance to organizations to increase access for persons of color to programs and services that assist with homeownership, including counseling, financial literacy, foreclosure prevention counseling, down payment assistance, down payment savings credits and individual development ac-

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted. New sections are in boldfaced type.

1 counts.

2 (2) Technical assistance and grants provided under this section should prioritize organ-
3 izations that have an identified commitment and capacity to:

4 (a) Provide services to persons of color through services that incorporate the cultural
5 values of the persons' communities;

6 (b) Support or expand culturally specific homeownership counseling and education pro-
7 grams for those with great disparities in homeownership;

8 (c) Leverage partnerships with the private sector, credit unions or other financial insti-
9 tutions;

10 (d) Leverage funding from other nonprofit sources; and

11 (e) Identify and use best practices in establishing course content guidelines and in ex-
12 ploring ways to systematically deliver certain services, including language access, program
13 materials and counseling, to both increase service availability and reduce costs to individual
14 providers, especially in rural areas.

15 SECTION 3. ORS 458.610 is amended to read:

16 458.610. For purposes of ORS 458.600 to 458.665:

17 (1) "Area median income" means the median family income for the area, subject to adjustment
18 for areas with unusually high or low incomes or housing costs, all as determined by the Oregon
19 Housing Stability Council based on information from the United States Department of Housing and
20 Urban Development.

21 (2) "Council" means the Oregon Housing Stability Council established in ORS 456.567.

22 (3) "Department" means the Housing and Community Services Department established in ORS
23 456.555.

24 (4) "Low income" means income that is more than 50 percent and not more than 80 percent of
25 the area median income.

26 [(5) "Minority" means an individual:]

27 [(a) Who has origins in one of the black racial groups of Africa but who is not Hispanic;]

28 [(b) Who is of Hispanic culture or origin;]

29 [(c) Who has origins in any of the original peoples of the Far East, Southeast Asia, the Indian
30 subcontinent or the Pacific Islands; or]

31 [(d) Who is an American Indian or Alaskan Native having origins in one of the original peoples
32 of North America.]

33 [(6)] (5) "Moderate income" means income that is more than 80 percent and not more than 120
34 percent of the area median income.

35 [(7)] (6) "Organization" means a:

36 (a) Nonprofit corporation established under ORS chapter 65;

37 (b) Housing authority established under ORS 456.055 to 456.235; [or]

38 (c) Local government as defined in ORS 197.015[.]; or

39 (d) Federally recognized Indian tribe that is located, to a significant degree, within the
40 boundaries of this state.

41 (7) "Persons of color" includes individuals:

42 (a) Who have origins in one of the black racial groups of Africa;

43 (b) Who are of Hispanic culture or origin;

44 (c) Who have origins in any of the original people of the Far East, Southeast Asia, the
45 Indian subcontinent or the Pacific Islands; and

(d) Who are an American Indian or Alaskan Native having origins in one of the original people of North America.

(8) “Persons with disabilities” means persons with handicaps described in 42 U.S.C. 3602(h).

(9) “Very low income” means income that is 50 percent or less of the area median income.

(10) “Veteran” has the meaning given that term in ORS 408.225.

SECTION 4. ORS 458.655 is amended to read:

458.655. (1) The Home Ownership Assistance Account is administered by the Housing and Community Services Department to expand this state’s supply of homeownership housing for families and individuals, including persons over 65 years of age, **persons of color**, persons with disabilities, *[minorities,]* veterans and farmworkers, with below area median income. An amount equal to 25 percent of moneys deposited in the account pursuant to ORS 294.187 is dedicated for expenditure to expand this state’s supply of homeownership housing for veterans and families of veterans with below area median income. The Oregon Housing Stability Council shall have a policy of distributing funds statewide while concentrating funds in those areas of this state with the greatest need, as determined by the council, for households with below area median income. The council’s policy of distributing funds may differ from the distribution policy for the Housing Development and Guarantee Account.

(2) Funds in the Home Ownership Assistance Account must be *[granted]* **used for:**

(a) Grants to organizations that both sponsor and manage homeownership programs for households with below area median income, including:

[(a)] **(A)** Lease-to-own programs;

[(b)] **(B)** Construction of new housing; or

[(c)] **(C)** Acquisition or rehabilitation of existing structures~~].~~; **or**

(b) Grants and technical assistance to organizations that assist persons of color in obtaining homeownership under section 2 of this 2020 Act.

(3) The council shall develop a policy for disbursing grants **under** subsection (2)(a) of this section for any or all of the following purposes:

(a) To aid homeownership programs for households with below area median income, including program administration, in purchasing land, providing assistance with down payment costs, or providing homeownership training and qualification services or any combination thereof. Funds in the Home Ownership Assistance Account may not be used by an organization to pay for its general operations.

(b) To match public and private moneys available from other sources to provide homeownership housing for households with below area median income.

(c) To administer the Home Ownership Assistance Account as provided for in the legislatively approved budget, as that term is defined in ORS 291.002, for the Housing and Community Services Department.

(4) The council, in developing policy under subsection (3) of this section, shall give preference in making grants to those entities that propose to:

(a) Provide the greatest number of homeownership housing units constructed, acquired or rehabilitated for households with below area median income for the amount of account money expended by matching account funds with other grant, loan or eligible in-kind contributions;

(b) Ensure the longest use for the units as homeownership housing units for households with below area median income, such as by including some form of equity recapture, land trust or shared equity provisions, as determined by the council;

1 (c) Include social services for occupants and proposed occupants of the proposed housing in-
2 cluding programs that address home health care, mental health care, alcohol and drug treatment and
3 post-treatment care, child care, homeownership training, mortgage qualification service, credit re-
4 pair and case management; and

5 (d) Support a comprehensive strategy to reverse the decreasing rates of homeownership among
6 [minorities] persons of color, giving priority to activities that support adopted comprehensive com-
7 munity plans that incorporate recognized best practices, [or] demonstrate proven success in in-
8 creasing homeownership for [minorities] persons of color or receive grants or assistance under
9 section 2 of this 2020 Act.

10
11 **INDIVIDUAL DEVELOPMENT ACCOUNTS**

12
13 **SECTION 5.** ORS 458.690 is amended to read:

14 458.690. (1) Notwithstanding ORS 315.271, a fiduciary organization selected under ORS 458.695
15 may qualify as the recipient of account contributions that qualify the contributor for a tax credit
16 under ORS 315.271 only if the fiduciary organization structures the accounts to have the following
17 features:

18 (a) The fiduciary organization matches amounts deposited by the account holder according to a
19 formula established by the fiduciary organization. The fiduciary organization shall maintain on de-
20 posit in the account not less than \$1 nor more than \$5 for each \$1 deposited by the account holder.

21 (b) The matching deposits by the fiduciary organization to the individual development account
22 are placed in:

23 (A) A savings account jointly held by the account holder and the fiduciary organization and
24 requiring the signatures of both for withdrawals;

25 (B) A savings account that is controlled by the fiduciary organization and is separate from the
26 savings account of the account holder; or

27 (C) In the case of an account established for the purpose described in ORS 458.685 (1)(c), a
28 savings network account for higher education under ORS 178.300 to 178.360, in which the fiduciary
29 organization is the account owner as defined in ORS 178.300.

30 (2) Account holders may not accrue more than \$3,000 of matching funds under subsection (1) of
31 this section from state-directed moneys in any [12-month] six-month period. A fiduciary organization
32 may designate a lower amount as a limit on annual matching funds. A fiduciary organization shall
33 maintain on deposit sufficient funds to cover the matching deposit agreements for all individual de-
34 velopment accounts managed by the organization.

35 (3) The Housing and Community Services Department shall adopt rules to establish a maximum
36 total amount of state-directed moneys that may be deposited as matching funds into an individual
37 development account.

38 (4) The Housing and Community Services Department shall provide information to the Depart-
39 ment of Revenue about all individual development account contributors that are qualified for a tax
40 credit under ORS 315.271, if required by ORS 315.058.

41 (5) The Housing and Community Services Department may provide grants to fiduciary
42 organizations to administer the individual development accounts and to supplement matching
43 funds to holders.

44 **SECTION 6.** ORS 315.271 is amended to read:

45 315.271. (1) A credit against taxes otherwise due under ORS chapter 316, 317 or 318 shall be

1 allowed for donations to a fiduciary organization for distribution to individual development accounts
 2 established under ORS 458.685. The credit shall equal a percentage of the taxpayer's donation
 3 amount, as determined by the fiduciary organization, but not to exceed [90] 100 percent of any do-
 4 nation amount. To qualify for a credit under this section, donations to a fiduciary organization must
 5 be made prior to January 1, 2022.

6 (2) If a credit allowed under this section is claimed, the amount upon which the credit is based
 7 that is allowed or allowable as a deduction from federal taxable income under section 170 of the
 8 Internal Revenue Code shall be added to federal taxable income in determining Oregon taxable in-
 9 come. As used in this subsection, the amount upon which a credit is based is the allowed credit di-
 10 vided by the applicable percentage, as determined by the fiduciary organization.

11 (3) The allowable tax credit that may be used in any one tax year [shall] may not exceed the
 12 tax liability of the taxpayer.

13 (4) Any tax credit otherwise allowable under this section that is not used by the taxpayer in a
 14 particular year may be carried forward and offset against the taxpayer's tax liability for the next
 15 succeeding tax year. Any tax credit remaining unused in the next succeeding tax year may be car-
 16 ried forward and used in the second succeeding tax year. Any tax credit not used in the second
 17 succeeding tax year may be carried forward and used in the third succeeding tax year[,] but may
 18 not be carried forward for any tax year thereafter.

19 (5) The total credits allowed to all taxpayers in any [tax] calendar year under this section and
 20 ORS 458.690 may not exceed \$7.5 million. The total credit allowed to a taxpayer in any tax year
 21 under this section and ORS 458.690 may not exceed \$500,000.

22 **SECTION 7. If a taxpayer makes a donation eligible for a credit under ORS 315.271 prior**
 23 **to April 15 in any calendar year, the taxpayer may use the credit for the tax year ending in**
 24 **the previous calendar year.**

25 **SECTION 8. Section 7 of this 2020 Act and the amendments to ORS 315.271 by section 6**
 26 **of this 2020 Act apply to tax years beginning on or after January 1, 2021.**

27
 28 **EDUCATION OF REAL ESTATE PROFESSIONALS**

29
 30 **SECTION 9. ORS 86A.215 is amended to read:**

31 **86A.215. (1) An applicant for a mortgage loan originator's license shall:**

32 (a) Complete, at a minimum, 20 hours of an approved course of prelicensing education that, at
 33 a minimum, must include:

34 (A) Three hours devoted to federal laws and regulations;

35 (B) Three hours devoted to ethics, with instruction concerning fraud, consumer protection,
 36 [and] fair lending and implicit bias, including racial bias; [and]

37 (C) Two hours devoted to lending standards applicable to nontraditional mortgages; and

38 (D) **Additional requirements as the Director of the Department of Consumer and Busi-**
 39 **ness Services may establish by rule.**

40 (b) Pass a qualified written test with a score of 75 percent correct or better. The test must
 41 measure the applicant's knowledge of:

42 (A) Ethics; and

43 (B) Federal and state laws, regulations and rules that apply to residential mortgage loan origi-
 44 nation, including laws, regulations and rules that concern fraud, consumer protection, fair lending
 45 and nontraditional mortgages.

1 (2) For purposes of this section:

2 (a) An approved course of prelicensing education is a course that the Nationwide Mortgage Li-
 3 censing System and Registry has reviewed and for which the Nationwide Mortgage Licensing System
 4 and Registry has approved the contents, provider, instructional standards and means and methods
 5 of delivery, using reasonable standards.

6 (b) A qualified written test is a test that the Nationwide Mortgage Licensing System and Reg-
 7 istry develops and for which the Nationwide Mortgage Licensing System and Registry approves the
 8 test provider and method of test administration, using reasonable standards.

9 (3) The director shall accept for the purposes of the requirements set forth in subsection (1) of
 10 this section an approved course of prelicensing education that an applicant completed in another
 11 state.

12 (4) This section does not preclude:

13 (a) An applicant's employer or a subsidiary, agent or affiliate of the employer from providing
 14 an approved course of prelicensing education; or

15 (b) An approved test provider from administering a qualified test at the business location of the
 16 applicant's employer or an affiliate, subsidiary or agent of the employer or at the business location
 17 of a person with which the employer has an exclusive contractual arrangement related to mortgage
 18 loan origination.

19 (5) An applicant may take a qualified test four consecutive times, provided that each test ad-
 20 ministration occurs 30 days after a previous test administration. If the applicant fails the approved
 21 test four consecutive times, the applicant must wait at least six months before retaking the test.

22 **SECTION 10.** ORS 86A.221 is amended to read:

23 86A.221. (1) A licensed mortgage loan originator each year shall complete at least eight hours
 24 of an approved course of continuing education that, at a minimum, must include:

25 (a) Three hours devoted to federal laws and regulations;

26 (b) Two hours devoted to ethics, with instruction concerning fraud, consumer protection, *[and]*
 27 fair lending **and implicit bias, including racial bias;** *[and]*

28 (c) Two hours devoted to lending standards applicable to nontraditional mortgages~~[,]~~; **and**

29 **(d) Additional requirements as the Director of the Department of Consumer and Business**
 30 **Services may establish by rule.**

31 (2) For purposes of this section, an approved course of continuing education is a course that the
 32 Nationwide Mortgage Licensing System and Registry has reviewed and for which the Nationwide
 33 Mortgage Licensing System and Registry has approved the contents, provider, instructional stan-
 34 dards and means and methods of delivery, using reasonable standards.

35 (3) This section does not preclude a licensed mortgage loan originator's employer or a subsid-
 36 iary, agent or affiliate of the employer from providing an approved course of continuing education.

37 (4) *[The Director of the Department of Consumer and Business Services shall accept]* For the
 38 purposes of the requirement set forth in subsection (1) of this section, **the director shall accept**
 39 an approved course of continuing education that a licensed mortgage loan originator completed in
 40 another state.

41 (5) A licensed mortgage loan originator:

42 (a) May receive credit for a continuing education course only in the year in which the licensed
 43 mortgage loan originator takes the course, unless the director under ORS 86A.218 permits or re-
 44 quires the mortgage loan originator to make up a deficiency in continuing education; and

45 (b) May not for the purposes of meeting the requirement set forth in subsection (1) of this sec-

tion take the same approved course of continuing education in the same year or in any two successive years.

(6) A licensed mortgage loan originator who is also approved as an instructor for an approved course of continuing education may receive two hours of credit toward the licensed mortgage loan originator's own continuing education requirement for each hour of the approved course of continuing education that the licensed mortgage loan originator teaches.

SECTION 11. On or before January 1, 2021, the Real Estate Commissioner shall include information relating to implicit bias, including racial bias, and historical and current discriminatory housing policies and practices in Oregon disadvantaging communities of color within:

(1) The education and examination requirements for real estate licensees under ORS 696.022 (7); and

(2) Course topics available for continuing education for real estate licensees under ORS 696.182 (4).

TASK FORCE CONTINUATION

SECTION 12. (1) The Joint Task Force on Addressing Racial Disparities in Home Ownership is established.

(2) The task force consists of 16 members appointed as follows:

(a) The President of the Senate shall appoint two members from among members of the Senate;

(b) The Speaker of the House of Representatives shall appoint two members from among members of the House of Representatives;

(c) The President of the Senate and the Speaker of the House of Representatives shall jointly appoint 11 members who represent the following interests:

(A) One member who represents real estate licensees in this state;

(B) One member who represents entities that originate, fund or service mortgage loans;

(C) Two members who each represent an organization with a particular focus on serving persons of color that provides individuals and families counseling, education or the opportunity to purchase affordable housing;

(D) Two members who represent credit unions, banks or other financial institutions that make mortgage loans;

(E) One member who represents developers of affordable housing;

(F) One member who represents a fiduciary organization administering state moneys directed to individual development accounts as defined in ORS 458.670;

(G) One member who represents nonprofit organizations with experience in fair housing issues; and

(H) Two members who represent residents of this state who have suffered historic discrimination or who currently lack opportunities for homeownership because of discrimination or inadequate financial resources. The President and the Speaker shall give preferences to appointing members who represent diverse geographic regions of this state; and

(d) The Director of the Housing and Community Services Department shall appoint one nonvoting member to represent the department or the Oregon Housing Stability Council.

1 (2) \$1 to the Housing and Community Services Department for deposit into the Home
2 Ownership Assistance Account established under ORS 458.620 to provide grants to entities
3 described in ORS 458.655 (4)(d);

4 (3) \$1 to the Housing and Community Services Department to provide grants under ORS
5 458.690 (5); and

6 (4) \$1 to the Legislative Policy and Research Committee for the administration of the
7 Task Force on Addressing Racial Disparities in Home Ownership under section 11 of this 2020
8 Act.

9
10 **UNIT CAPTIONS**

11
12 **SECTION 15.** The unit captions used in this 2020 Act are provided only for the conven-
13 ience of the reader and do not become part of the statutory law of this state or express any
14 legislative intent in the enactment of this 2020 Act.

15
16 **EFFECTIVE DATE**

17
18 **SECTION 16.** This 2020 Act takes effect on the 91st day after the date on which the 2020
19 regular session of the Eightieth Legislative Assembly adjourns sine die.
20

**REAL ESTATE BOARD
EDUCATION & LICENSING DIVISION REPORT
February 3, 2020**

Education & Licensing Manager: Madeline Alvarado

Compliance Specialist: Tami Schemmel

Compliance Specialist: Danette Rozell

Compliance Specialist: Jenifer Wetherbee

Administrative Specialist: Elizabeth Hardwick

Administrative Specialist: Rick Marsland

Administrative Specialist: Nenah Darville

Section Overview

The Education and Licensing Division acts as support to the Agency as well as the first point of contact for the public and services the business functions of the Agency overall. This division manages reception, licensing services, compliance reviews, client trust account reviews and education.

Education

Continuing Education Provider renewals were completed during the months of November and December. As of 1/22/2020 the Oregon Real Estate Agency had 303 active providers.

Client Trust Account Reviews

From our current reviews we've elevated 10% to the Regulations Division. The types of issues we've identified are unreconciled accounts, commingling, missing money, and unlicensed activity.

Licensing

Licensing services include assisting real estate brokers, principal brokers, property managers and escrow agencies as they manage their licenses using eLicense, assisting customers as they process registered business names and branch office registrations in eLicense, registering membership campground contract brokers, completing license applicant criminal background check investigations, processing escrow licensing and security/bonding files, maintaining all licensing history records, electronic processing of fees, and providing general reception services.

RBN Renewal

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<u>Eligible to Renew</u>	423	344	376	347	318	320	256	279	264	290	251	319
<u>Failed to Renew</u>	26	15	14	22	14	16	9	16	22	8	10	16
<u>% Renewed</u>	94%	96%	96%	94%	96%	95%	96%	94%	92%	97%	96%	95%

Licensing Statistics

Total Licensee Counts by Month:

Individuals (Persons)	Nov-19	Dec-19
Broker – Total	16,325	16,354
Active	14,620	14,618
Inactive	1,705	1,736
Principal Broker - Total	6,419	6,424
Active	6,060	6,041
Inactive	359	383
ALL BROKERS Total	22,744	22,778
Active	20,680	20,659
Inactive	2,064	2,119
Property Manager - Total	927	936
Active	803	809
Inactive	124	127
MCC Salesperson	19	20
MCC Broker	1	1
TOTAL INDIVIDUALS	23,691	23,735
Active	21,503	21,489
Inactive	2,188	2,246
Facilities (Companies)		
REMO	5	5
Registered Business Name (RBN)	3,856	3,844
Registered Branch Office (RBO)	748	747
Escrow Organization	64	64
Escrow Branch	145	145
PBLN	NA	NA
PMLN	NA	NA
CEP	317	299
MCC Operator	25	25
TOTAL FACILITIES	5,160	5,129
TOTAL INDIVIDUALS & FACILITIES	28,851	28,864

New Licenses by Month:

Individuals (Persons)	Nov-19	Dec-19
Broker	130	144
Principal Broker	15	19
TOTAL BROKERS	145	163
Property Manager	5	9
MCC Salesperson	0	1
MCC Broker	0	0
TOTAL INDIVIDUALS	150	173
Facilities (Companies)		
Continuing Education Provider (CEP)	4	2
REMO	0	0
Registered Business Name	21	30
Registered Branch Office	4	9
Escrow Organization	0	0
Escrow Branch	0	0
MCC Operator	0	0
TOTAL FACILITIES	25	39
TOTAL INDIVIDUALS & FACILITIES	175	212

Exam Statistics

December 2019 Total
ALL LICENSING EXAMS

Broker	305
Property Manager	24
Principal Broker	39
Reactivation	1

Pass Rates

<u>First Time Pass Rate</u> <u>Percentage</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Broker State	69	64	61	58	57
Broker National	78	74	73	72	70
Principal Broker State	62	59	58	59	51
Principal Broker National	78	75	76	77	69
Property Manager	59	64	69	67	64

Oregon Real Estate Agency
 Education & Licensing Division
 Licensee Application & Renewal
 2019 Data

New Applications													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Brokers	328	259	300	280	287	278	233	245	227	260	250	238	3185
Principal Brokers	47	32	39	25	32	24	36	14	23	32	38	26	368
Property Managers	17	18	24	39	25	22	20	21	19	24	22	19	270
Total	392	309	363	344	344	324	289	280	269	316	310	283	3823

Renewal Activity														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	415	398	473	426	485	521	534	503	550	497	439	469	5710
	Inactive	43	41	35	33	38	33	49	37	46	40	36	37	468
Late	Active	42	25	37	47	67	40	52	32	50	35	35	52	514
	Inactive	7	14	9	6	13	7	7	11	17	10	9	7	117
Lapse		79	103	102	96	102	87	99	116	103	105	78	99	1169
Total		586	581	656	608	705	688	741	699	766	687	597	664	7978

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	211	188	208	215	205	243	250	258	243	215	203	233	2672
	Inactive	18	9	11	5	8	8	12	8	10	13	6	13	121
Late	Active	12	7	8	15	12	11	12	12	10	11	15	14	139
	Inactive	1	2	1	4	3	1	4	2	3	4	1	4	30
Lapse		29	28	28	20	33	24	27	23	24	21	23	20	300
Total		271	234	256	259	261	287	305	303	290	264	248	284	3262

Oregon Real Estate Agency
Education & Licensing Division
Licensee Application & Renewal
2018 Data

New Applications													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Brokers	322	303	352	353	302	325	271	293	270	236	260	231	3518
Principal Brokers	48	32	34	25	41	30	26	33	42	38	30	23	402
Property Managers	26	30	20	18	20	25	19	16	23	29	20	20	266
Total	396	365	406	396	363	380	316	342	335	303	310	274	4186

Renewed & Lapsed Licenses														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	453	430	469	483	481	469	483	464	496	492	436	499	5655
	Inactive	56	48	45	37	47	33	39	40	36	44	44	36	505
Late	Active	34	21	40	39	42	27	28	37	32	33	41	28	402
	Inactive	2	10	4	7	13	9	12	11	7	10	10	10	105
Lapse		96	80	97	87	113	84	87	96	88	109	68	81	1086
Total		641	589	655	653	696	622	649	648	659	688	599	654	7753

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	227	241	233	238	245	249	203	222	238	208	216	211	2731
	Inactive	11	10	10	17	15	17	15	12	8	8	14	12	149
Late	Active	8	8	12	16	13	12	12	11	14	9	12	8	135
	Inactive	1	2	2	3	2	3	1	4	2	2	1	3	26
Lapse		21	18	22	18	21	18	23	14	25	19	32	20	251
Total		268	279	279	292	296	299	254	263	287	246	275	254	3292

Oregon Real Estate Agency
Education & Licensing Division
Phone Counts

(minutes: seconds)	Jan – 19	Feb – 19	Mar – 19	Apr – 19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov--19	Dec-19	2019 Average
Call Count	2251	1748	1917	2138	2062	1738	1882	1685	1882	2012	1606	1637	1880
Average Wait Time	:20	:21	:29	:23	:24	:33	:30	:27	:26	:16	:25	:20	:24.5
Maximum Wait Time	16:06	9:32	21:21	14:03	15:58	13:20	11:15	12:00	13:59	10:15	5:51	8:21	12:40

(minutes: seconds)	Jan – 18	Feb – 18	Mar – 18	Apr – 18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov--18	Dec-18	2018 Average
Call Count	2317	2006	2263	2063	2113	2084	1837	2049	1824	2153	1828	1738	2024
Average Wait Time	:22	:15	:17	:16	:16	:27	:21	:19	:21	:23	:17	:25	:20
Maximum Wait Time	5:32	3:23	8:58	7:05	13:27	12:18	14:40	12:53	10:26	13:22	7:41	10:07	8:29

(minutes: seconds)	Jan – 17	Feb – 17	Mar – 17	Apr – 17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	17-Nov	Dec-17	2017 Average
Call Count	2136	1944	2065	1766	1963	1939	1809	2009	1893	1968	1711	2051	1938
Average Wait Time	:45	:21	:23	:18	:17	:18	:23	:22	:16	:14	:16	:23	:21
Maximum Wait Time	28:13*	11:42	8:07	8:17	7:22	5:09	7:37	6:51	4:29	4:16	4:34	13:47	7:28

**REAL ESTATE BOARD
ADMINISTRATIVE SERVICES DIVISION REPORT
February 3, 2020**

Administrative Services Manager: Vacant
Communications Coordinator: Mesheal Heyman
Accountant: Caty Karayel
Operations & Policy Analyst: Denise Lewis
Systems Administrator: Tiffani Miller
Program Analyst: Rus Putintsev

Section Overview

The Administrative Services Division acts as business support for the Agency overall. This division manages budget preparation, accounting, purchasing and contracting, inventory control, facilities, payroll, human resources, special projects, information technology (IT) and communications.

Budget Update

Financials: The Legislative Adopted Budget for the 2019-2021 biennium is **\$8.5 million**. The Agency cash balance as of December 31st is **\$3.15 million**. The Agency has filed a notice of intent with the Legislative Fiscal Office and Chief Financial Office to request legislative approval in the 2020 session for a limitation increase of \$899,415 to account for revenue related to examination services. This revenue is a technical pass-through and has a net zero effect on the Agency's revenue as the Agency does not retain any fees from the examination. All examination fees are retained by the examination service provider, PSI.

Agency revenues continue to exceed projections in business applications and renewals but have dipped somewhat in condominium filings and new applications. The downturn in condominium filings are likely due to seasonal considerations.

Biennium to date, the Agency has averaged a monthly surplus of just over \$90,000. Comparing 2018 to 2019, new individual applications are down 9% however licensees are largely maintaining their license at the same rate year over year, with only a 1% dip in license retention from 2018 to 2019. Near term economic indicators suggest that licensure rates will continue to be steady through the remainder of the fiscal year.

Organizational Change & Staffing

The Licensing and Education programs have been moved outside of the Administrative Services section and are now operating as a freestanding division under manager Madeline Alvarado. The promotion of Anna Higley to Deputy Commissioner leaves the Administrative Services Division Manager position vacant with Anna backfilling these duties until a replacement is made. The Agency will be posting this recruitment statewide. With the assistance of our HR business partner at the Department of Administrative Services, this position is expected to filled by early March.

Real Estate Agency - AY21

2019-2021 Budget - Biennium to Date Through June 30th 2021

<i>Budget Codes</i>		<u>19-2021 Legislative Approved Budget</u>	<u>Expected Total Expenditures for Biennium (current)</u>	<u>Expected Remaining Limitation at end of Biennium</u>
	Total Personal Services	6,757,897	6,751,303	6,594
4100 & 4125	In-State Travel & Out-of-StateTravel	98,762	118,508	(19,746)
4150	Employee Training	36,994	23,701	13,293
4175	Office Expenses	83,040	44,950	38,090
4200	Telecom/Tech Services & Support	64,621	46,753	17,868
4225	State Government Services	233,574	301,719	(68,145)
4250	Data Processing	109,297	119,677	(10,380)
4275	Publicity & Publications	36,718	1,117	35,601
4300 & 4315	Professional Services & IT Professional Services	186,339	186,320	19
4325	Attorney General Legal Fees	293,465	184,345	109,120
4375	Employee Recruitment	7,748	250	7,498
4400	Dues & Subscriptions	9,575	6,150	3,425
4425	Facilities Rent & Taxes	254,611	242,255	12,356
4475	Facilities Maintenance	4,519	5,931	(1,412)
4575	Agency Program Related S&S	41,308	2,195	39,113
4650	Other Services & Supplies	88,482	151,981	(63,499)
4700	Expendable Property \$250-\$5000	29,148	8,636	20,512
4715	IT Expendable Property	162,972	52,408	110,564
	Total Services & Supplies and Capital Outlay	1,741,173	1,496,897	244,276
	Totals	8,499,070	8,248,200	250,870