



# 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](http://www.oregon.gov/rea)

### Notice of Agenda

### OREGON REAL ESTATE BOARD

### Regular Meeting Agenda

### Oregon Real Estate Agency

### TELECONFERENCE

June 1, 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 4.6.20, regular meeting minutes
- E. Date of the Next Meeting: 8.3.20 to begin at 10am and venue to be determined.

#### 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. None.

#### IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER– Chair Hunter - Approval of petition log.

- A. Columbia Drain Company, Jim Peschka to appear by phone.

#### V. BOARD ADVICE/ACTION – Commissioner Strode. None.

#### VI. NEW BUSINESS – Commissioner Strode

#### VII. REPORTS – Chair Hunter

- A. Commissioner Strode
- B. Agency division reports-Deputy Commissioner Higley
  1. Administration and Regulations, Deputy Commissioner Higley
  2. Land Development Division, Michael Hanfiin
  3. Education & Licensing, Maddy Alvarado

#### VIII. ANNOUNCEMENTS – Chair Hunter. Next board meeting: 8.3.20 to begin at 10am and venue to be determined.

#### IX. ADJOURNMENT – Chair Hunter

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



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Agenda Item No.  
I.D.

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## OREGON REAL ESTATE BOARD

### Regular Meeting Minutes - Teleconference

Oregon Real Estate Agency  
Salem, OR 97301

Monday, April 6, 2020

#### BOARD MEMBERS PRESENT:

Marie Due  
Debra Gisriel  
Susan Glen  
Jose Gonzalez  
Dave Hamilton  
Lawnae Hunter, Chair  
Kim Hedding  
Pat Ihnat  
Alex MacLean, Vice Chair

#### OREA STAFF PRESENT:

Steve Strode, Commissioner  
Anna Higley, Deputy Commissioner  
Mesheal Heyman, Communications Coordinator  
Michael Hanifin, Land Development Manager  
Maddy Alvarado, Customer Service Manager  
Leandra Hagedorn, Board liaison

#### GUESTS PRESENT:

Barbara Geyer

#### 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.
- D. Approval of 02.03.20 regular meeting minutes.
- E. Date of the Next Meeting: 6.1.20, in McMinnville, OR, to begin at 10am and venue to be determined.

#### II. PUBLIC COMMENT – Chair Hunter. 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. Non

- V. NEW BUSINESS - Commissioner Strode. 2020 Governor's State Employees Food Drive. Commissioner Strode provided the results of the Agency's donation efforts.

#### VI. REPORTS – Chair Hunter.

- A. Commissioner Strode-
  1. Advertising rule survey and workgroup - Any board members interested in participating in the workgroup should email Commissioner Strode.
  2. COVID-19 actions - Agency is working remotely
  3. Investigations – Regulations Manager position will remain vacant until a more appropriate hiring environment and Agency continues working on investigations and processes.
  4. OREN-J articles – Marie Due and Susan Glen both volunteered to submit articles for the OREN-J newsletter.
- B. Agency division report – Deputy Commissioner Higley
  1. Regulations and Administration, Deputy Commissioner Higley. Ms. Higley reiterated that the Regulations Manager position will remain vacant until COVID-19 has stabilized, reported that administrative reviews were reduced by 45%, summarized the information and statistics provided in the written division report. She also explained that Meghan Lewis has joined Rob Pierce and Deanna Hewitt as lead worker. Ms. Higley reported the following staff information:
    - Meghan Lewis was assigned lead working duties

- Jen Whetherbee will be assisting with file reviews
  - John Moore's (new investigator) start date has been delayed due until technical onboarding options are explored
- Ms. Higley summarized the information and statistics provided in the written Administration report, including a budget update.
2. Land Development, Mr. Hanfin reviewed statistics/information provided in the written division report
  3. Licensing and Education, Maddy Alvarado – Ms. Alvarado reviewed statistics/information provided in the written division report and reported the following staff information:
    - Jen Whetherbee is temporarily assisting in regulations
    - Nenah Darville assisting in Land Development Division
    - Danette Rozell retired as of March 31 and has agreed to assist temporarily with developing CTA training tools

**VII. ANNOUNCEMENTS – Chair Hunter.** Next board meeting: 6.1.20 in McMinnville, OR, to begin at 10am and location to be determined.

**VIII. ADJOURNMENT – Chair Hunter**

Respectfully submitted,

Respectfully submitted,

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STEVE STRODE, COMMISSIONER

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LAWNAE HUNTER, BOARD CHAIR

DRAFT

**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	<b>FACTS:</b> 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 <b>MOTION TO APPROVE CMPS INSTITUTE'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY MARCIA EDWARDS</b> <b>SECOND BY LAWNAE HUNTER</b> <b>MOTION CARRIED BY UNANIMOUS VOTE</b>
10.3.16	Michelle Moore	APPROVED	<b>FACTS:</b> 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. <b>MOTION TO APPROVE BY DAVE KOCH</b> <b>SECOND BY LAWNAE HUNTER</b> <b>MOTION CARRIED BY UNANIMOUS VOTE</b>
12.05.16	Brix Law LLP	APPROVED	<b>FACTS:</b> 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	<b>FACTS:</b> 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	<b>FACTS:</b> 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	<b>FACTS:</b> 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	<b>FACTS:</b> 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	<b>FACTS:</b> 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	<b>FACTS:</b> 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	<b>FACTS:</b> 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	<b>FACTS:</b> 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	<b>FACTS:</b> 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	<b>FACTS:</b> 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. <b>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</b>
04.02.18	Sirmon Training & Consulting Group – Jason Sirmon	APPROVED	<b>FACTS:</b> 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. <b>MOTION TO APPROVE SIRMON TRAINING &amp; CONSULTING GROUP'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY CONI RATHBONE SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE</b>
6.4.18	Finance of America Mortgage	Approved	<b>FACTS:</b> 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. <b>MOTION TO APPROVE FINANCE OF AMERICA MORTGAGE'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY PAT IHNAT</b> <b>SECOND BY DEBRA GISRIEL</b> <b>MOTION CARRIED BY UNANIMOUS VOTE</b>
10.8.18	Lumen Mortgage Corporation	APPROVED	<b>FACTS:</b> 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. <b>MOTION TO APPROVE LUMEN MORTGAGE CORPORATION'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE HAMILTON</b> <b>SECOND BY LAWNAE HUNTER</b> <b>MOTION CARRIED BY UNANIMOUS VOTE</b>
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. <b>MOTION TO APPROVE HD HOME INSPECTION'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY PAT IHNAT</b> <b>SECOND BY DAVE HAMILTON</b> <b>MOTION CARRIED BY UNANIMOUS VOTE</b>
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. <b>DISCUSSION:</b> Mr. Owens added that it is critical for licensees to consult with experts regarding home inspections. <b>MOTION TO APPROVE SCOTT HARRIS'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH</b> <b>SECOND BY LAWNAE HUNTER</b> <b>MOTION CARRIED BY UNANIMOUS VOTE</b>
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. <b>MOTION TO APPROVE JULIA FELSMAN'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY PAT IHNAT</b> <b>SECOND BY DAVE HAMILTON</b> <b>MOTION CARRIED BY UNANIMOUS VOTE</b>
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.

			<b>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</b>
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. <b>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</b>
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. <b>DISCUSSION:</b> 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. <b>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)</b>
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. <b>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</b>
6.3.19	Old Republic Exchange Company, Ashley Stefan	APROVED	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. <b>DISCUSSION:</b> 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. <b>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</b>
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. <b>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</b>
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><b>MOTION TO APPROVE ANDERW VARCAK’S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH</b>  <b>SECOND BY LAWNAE HUNTER</b>  <b>MOTION CARRIED BY UNANIMOUS VOTE</b></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. <b>DISCUSSION:</b> 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><b>MOTION TO APPROVE GREEN TRAINING USA’S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH</b>  <b>SECOND BY PAT IHNAT</b>  <b>MOTION CARRIED BY 6 AYES (JEF FARLEY, LAWNAE HUNTER, PAT IHNAT, DEBRA GISRIEL, DAVE KOCH, AND JOSE GONZALEZ) AND 1 ABSENTIA (DAVE HAMILTON)</b></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><b>MOTION TO APPROVE OREGON STATE CREDIT UNION’S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY JOSE GONZALEZ</b>  <b>SECOND BY DAVE HAMILTON</b>  <b>MOTION CARRIED BY UNANIMOUS VOTE</b></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. <b>DISCUSSION:</b> 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><b>MOTION TO APPROVE ALETHEA “TIA” POLITI’S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY ALEX MACLEAN</b>  <b>SECOND BY DAVE HAMILTON</b>  <b>MOTION CARRIED BY UNANIMOUS VOTE</b></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. <b>DISCUSSION:</b> Ms. Gisriel stated the motivation for becoming continuing education provider should be education rather than business development.</p> <p><b>MOTION TO APPROVE RICHARD GANN'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY ALEX MACLEAN</b>  <b>SECOND BY SUSAN GLEN</b>  <b>MOTION CARRIED BY 7 AYES (MARIE DUE, DEBRA GISRIEL, JOSE GONZALEZ, KIM HEDDINGER, LAWNAE HUNTER, AND ALEX MACLEAN) AND 1 NAY (DAVE HAMILTON)</b></p>
02.03.20	Bernard Black	APPROVED	<p>Bernard Black, B.C.E., will appear in person. Mr. Black explained he had over 35 years of experience in the pest management field, a board certified entomologist, provided education on pest control to Oregon Real Estate Inspection Association, and wishes to offer a course to real estate agents familiarizing them with pest control related to sale of homes. Mr. Black will offer courses covering the following topics: Property management, real estate consumer protection, commercial real estate, and risk management, which are all considered acceptable course topics.</p> <p><b>MOTION TO APPROVE BERNARD BLACK'S PETITION TO QUALIFY A CONTINUING EDUCATION PROVIDER BY DAVE HAMILTON</b>  <b>SECOND BY JOSE GONZALEZ</b>  <b>MOTION CARRIED BY UNANIMOUS VOTE</b></p>
06.01.20	Columbia Drain Company		



**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](mailto: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 Columbia Drain Company Phone Number 503-313-7246

Physical Address 1100 NE 154th Street/shop Address Cont. \_\_\_\_\_

City Vancouver State WA  Zip Code 986865 County Clark

E-mail jim@columbiadrain.com

Mailing Address (if different) PO Box 65668 Address Cont. \_\_\_\_\_

City Vancouver State WA  Zip Code 98665 County Clark

**AUTHORIZED CONTACT PERSON**

Prefix Mr.  First Name Jim Last Name Peschka

Phone Number 503-313-7246 E-mail jim@columbiadrain.com

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

**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.

Since 1997 Columbia Drain co has grown from a drain cleaning company into an environmental services company. Our focus on storm water management focuses on the cleaning, maintenacne and inspections of sotrm water filters and structures as well as water discharged from property sites. We are a preferred contractor with Contech Engineering which is the largest filter structure provider in Oregon and Washington. We hold certifications by Old Castle and ADS which also provide filter structures for th ePortland Metro Area. Our work has a reputation of its own which has allowed us to hold the city and county contracts for storm water celaning assistance programs longer than any other company in the area. We work closely with th ecities of Gresham, Troutdale, Wood Village, Milwaukie, Gladstone, and Happy Valley as well as Clackamas and Clark Counties to ensure their storm drains and other structures are cleaned and functioning properly on an annual basis. Since we have started working with the different areas we found most property owners are not aware of each storm wagter structure on their sites and have a lot of questions as to what they are, how they work and how often each structure should be cleaned.

We created this presentation to explain and describe each part of the storm water" Life Cycle" The need for each step and the proper maintenance of the different styles of structures, as well as what the municipalities are looking for regarding reporting and record file keeping. We also touch base on the management aspect in representing the interest of ownership and protecting their investments. Jim Peschka, Vice Present of Columbia Drain presents this course in a

### 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.

Jim Peschka

Date 4/17/2020

Printed Name of Authorized Individual

Signature of Authorized Individual

**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.

way that is instructive and insightful while still being east to follow along. Our course is 90 minutes long. It meets OAR 863-020-0035 in the area of Property Management and Evironmetal Protection Issues.

**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.

Jim Peschka

Date 4/17/2020

Printed Name of Authorized Individual



Signature of Authorized Individual

**REAL ESTATE BOARD  
ADMINISTRATIVE SERVICES DIVISION REPORT  
June 1, 2020**

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 April 30<sup>th</sup> is **\$ 3.62 million**.

To date in the current biennium (July 2019 – June 2021) Agency revenue has shown to gently fluctuate with an average of \$415,000 per month. After expenses, this leaves the Agency with a monthly revenue surplus of \$100,000, leading to the \$1.0 million build of reserve funds from the beginning balance of \$2.6 million in July 2019.

The economic consequences of COVID-19 has been seen throughout the state in most sectors of business and certainly in state government though real estate licensing revenue has yet to experience a considerable downturn. March 2020 revenue was down 3% from February and April was down again 4% from March. Yet, when comparing January through April 2019 to the same months in the current year, revenue is down just 2% overall. When analyzing the specific changes contributing to the downward trajectory in revenue, over the last couple of months, we see that broker applications are down by 7%, principal broker applications are down by 60%, and there is no discernable difference in property manager applications. Given that broker and property manager applicants are primarily new entrants to the industry, we gather that those within the professional are choosing not to make changes while those outside of the industry continue to view real estate practice as a promising opportunity. There has been no change in license retention rates (i.e. licensees are lapsing at the same rate seen in recent years, no more, no less). The most notable area of revenue decline is in the Land Development division, where the majority of the revenue is derived from condominium filing fees. We have observed a 48% decline in revenue from February to March and then another 44% revenue decrease between March and April. It remains unclear what portion of this decline can be credited to economic changes compared to other related factors such as the closure of county offices and other temporary obstacles. Despite the significant declines shown in Land Development, the overall impact to cash flow is low with work product in this division making up just 4% of total Agency revenue, prior to the pandemic.

Given the still early stage of this new recession it remains to be determined how severely the real estate industry will be impacted and what the longer term forecast will indicate for new applications and retention rates of existing license holders. According to the Oregon Office of Economic Analysis, we know that real estate has not been as severely impacted as other sectors, namely: leisure, hospitality and retail. Though if unemployment continues to climb and broaden into other industries, such as: healthcare, manufacturing, construction, and professional and business services, incomes may descend and thus delay home purchases, negatively effecting the appeal of entering, or the practicality of remaining in, the real estate profession.

In preparation for the possibility of a deeper revenue decline and longer recovery, the Agency is taking immediate budgetary measures, including: holding all vacant positions, restricting all travel and minimizing new IT investments, for the remainder of the biennium. The Agency has also decided to postpone the planned eLicense replacement system request to the legislature. The immediate measures have reduced our expected total expenditures for the biennium by 10%. Postponing an eLicense

replacement system allows us to retain an additional \$1.0 million in reserve through the 2021-2023 biennium. With these actions the Agency is well positioned to absorb a greater impact to revenue and maintain operations.

#### Organizational Change & Staffing

The Agency office remains closed to the public and staff provide customer service by phone and email while Regulation Division staff conduct investigations and settlement conferences by phone and video conference.

Despite the technical pains of quickly transitioning processes outside of the office we are continuing to see exceptional performance. Notably customer service related surveys show our highest ratings in recent years with ratings of good or excellent overall at 96%.

## Real Estate Agency - AY21

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

<b>Budget Codes</b>		<u>19-2021 Legislative Approved Budget</u>	<u>Expected Total Expenditures for Biennium (current)</u>	<u>Expected Remaining Limitation at end of Biennium</u>
	<b>Total Personal Services</b>	<b>6,757,897</b>	<b>6,179,792</b>	<b>578,105</b>
<b>4100 &amp; 4125</b>	In-State Travel & Out-of-StateTravel	98,762	50,024	48,738
<b>4150</b>	Employee Training	36,994	25,467	11,527
<b>4175</b>	Office Expenses	83,040	42,026	41,014
<b>4200</b>	Telecom/Tech Services & Support	64,621	47,442	17,179
<b>4225</b>	State Government Services	233,574	309,559	(75,985)
<b>4250</b>	Data Processing	109,297	120,217	(10,920)
<b>4275</b>	Publicity & Publications	36,718	977	35,741
<b>4300 &amp; 4315</b>	Professional Services & IT Professional Services	186,339	264,969	(78,630)
<b>4325</b>	Attorney General Legal Fees	293,465	168,703	124,762
<b>4375</b>	Employee Recruitment	7,748	250	7,498
<b>4400</b>	Dues & Subscriptions	9,575	5,949	3,626
<b>4425</b>	Facilities Rent & Taxes	254,611	244,153	10,458
<b>4475</b>	Facilities Maintenance	4,519	5,331	(812)
<b>4575</b>	Agency Program Related S&S	41,308	1,595	39,713
<b>4650</b>	Other Services & Supplies	88,482	158,843	(70,361)
<b>4700</b>	Expendable Property \$250-\$5000	29,148	8,236	20,912
<b>4715</b>	IT Expendable Property	162,972	52,065	110,907
	<b>Total Services &amp; Supplies and Capital Outlay</b>	<b>1,741,173</b>	<b>1,505,805</b>	<b>235,368</b>
	<b>Totals</b>	<b>8,499,070</b>	<b>7,685,597</b>	<b>813,473</b>

**REAL ESTATE BOARD  
REGULATION DIVISION REPORT  
June 1, 2020**

Regulation Division Manager: Vacant  
Compliance Specialists 3 (Compliance Coordinator): Rob Pierce, Meghan Lewis (WOC)  
Financial Investigators (Investigator-Auditor): Jeremy Brooks, Aaron Grimes,  
 Liz Hayes (WOC), Lisa Montellano, Cidia Nañez, Lindsey Nunes, John Moore  
Compliance Specialist 2: Carolyn Kalb  
Operations and Policy Analyst: Denise Lewis (WOC)

**Division Overview**

The Agency receives complaints and determines if an investigation is warranted. Open cases are assigned to investigators to gather facts (from interviews and documents), prepare a detailed written report and submit for Administrative Review. The Compliance Coordinators conducting the Administrative Review work evaluate whether the evidence supports charging a person with a violation of Agency statutes or administrative rules. When a case is found to have sufficient cause to sanction a license, the case is elevated to the Commissioner for review. When a sanction is supported by the Commissioner, the Compliance Coordinators conduct a 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.

**Personnel**

The Regulations Division Manager position remains vacant. Deputy Commissioner Higley is acting in the manager role with Commissioner Strode overseeing Administrative Actions.

After serving 22 years with the Oregon Real Estate Agency Deanna Hewitt has retired as of May 31<sup>st</sup>, 2020. Deanna leaves a legacy of excellent work with the Agency and will be greatly missed.

On April 27<sup>th</sup>, the Agency was able to onboard new investigator John Moore remotely, after a seven week delay to his original hire date. All training was provided through video conferencing. John has now completed training and is beginning his first investigation.

For budgetary purposes the Agency is holding all vacant positions open for the foreseeable future.

**Workload and Activity Indicators**

<b><u>Average # in this Status at the time</u></b>	<b><u>2014</u></b>	<b><u>2015</u></b>	<b><u>2016</u></b>	<b><u>2017</u></b>	<b><u>2018</u></b>	<b><u>2019</u></b>	<b><u>2020</u></b>	<b><u>Current 5/25/20</u></b>
Complaint	40	44	33	25	20	26	22	24
Pending Assignment	3	4	24	16	26	39	N/A***	0
Investigation	47	52	49	50	38	48	69*****	93***
(# of Investigators)	6	7	7	7	7*	6-7**	7	7
Admin Review	27	33	28	40	35	61	38	14

\* One investigator on medical leave.  
 \*\* One investigator on medical leave, then retired. Late 2019 vacancy was filled.  
 \*\*\*Pending queue retired. All cases are directly assigned to an investigator rather than being held in a pending status.  
 \*\*\*\*\*Increase in average is not reflective of an increased caseload. All pending assignment cases were assigned.



## ADMINISTRATIVE ACTIONS

Reported

3/24/2020 through 5/19/2020

### **REVOCATIONS**

Chase, Sandra Lena (Baker City) Principal Broker 200704279, Final Order by Default dated May 12, 2020 issuing a revocation and a \$9,500.00 civil penalty.

### **SUSPENSIONS**

### **REPRIMANDS**

Teel, Tina Marie (Molalla), Property Manager 200504540, Stipulated Order dated April 15, 2020, issuing a reprimand.

Gregory, Sherri R (Sweet Home), Principal Broker 970300073, Final Order by Default dated May 5, 2020 issuing a reprimand.

Rian, Aaron (Portland), Principal Broker 200711174, Stipulated Order dated May 7, 2020 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

Martinson, James (Silverton) Principal Broker 990100164, Stipulated Order dated April 20, 2020, issuing a \$2,100 civil penalty.

Stevens, Debra Lea(Jacksonville) Principal Broker 200110147, Stipulated Order dated April 22, 2020, issuing a \$100.00 civil penalty.

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

SANDRA LENA CHASE

}  
} FINAL ORDER BY DEFAULT  
}

**PROCEDURAL HISTORY**

1.

1.1 On April 16, 2020, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Revoke License No 200704279 and to Assess a Civil Penalty*. The Oregon Real Estate Agency (Agency) sent the Notice of Intent to Sandra Lena Chase's (Chase) last known address of record with the Agency (38862 Deer Creek Rd., Baker City, OR 97814) and a second possible address for Chase (PO Box 370 Sumpter, OR 97877). The Notice of Intent was also mailed to Chase by regular first class mail in a handwritten envelope to both addresses. The Notice was also emailed to Chase at her email address of record.

1.2 None of the mailings of the Notice of Intent have been returned to the Agency.

1.3 Over twenty (20) days have elapsed since the mailing of the notice issued in this matter and no written request for hearing has been received.

2.

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

2.1 Oregon Administrative Rule 863-001-0006 states, in part, that a notice of intent is properly served when deposited in the United States mail, registered or certified mail, addressed to the real estate licensee or to any other person having an interest in a proceeding before the Commissioner at the licensee's or other person's last known address of record with the Agency.

2.2 Chase's last known address of record with the Agency was 38862 Deer Creek Rd. Baker City, OR 97814. An additional address the Agency had for Chase is: PO Box 370 Sumpter, OR 97877.

2.3 A certified mailing of the Notice of Intent was mailed to Chase at her last known address of record (38862 Deer Creek) on April 16, 2020, it was also mailed certified to the additional address for Chase (PO Box 370).

2.4 The Notice of Intent was mailed regular first class mail in a handwritten envelope to Chase's address of record (38862 Deer Creek) and the additional address for Chase (PO Box 370) on April 16, 2020. The mailings in the handwritten envelope have not been returned to the Agency. In accordance with ORS 40.135(1)(q), there is a presumption that the mailing properly addressed and placed with the U.S. Postal Service was delivered. That presumption has not been overcome by any evidence.

2.5 Over twenty (20) days have elapsed since the mailing of the notice and no written request for a hearing has been received.

2.6 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a real estate license, whether by operation of law, order of the Real Estate Commissioner or decision of a court of law, or the inactive status of the license, or voluntary surrender of the license by the real estate licensee does not deprive the commissioner of jurisdiction to: (1) proceed with an investigation of the licensee; (2) conduct disciplinary proceedings relating to the licensee; (3) Take action against a licensee, including assessment of a civil penalty against the licensee for a violation of ORS 696.020(2); or (4) revise or render null and void an order suspending or revoking a license.

2.7 As noted in paragraph 7 of the *Notice of Intent to Revoke License No. 200704279 and Assess a Civil Penalty*, the Agency's entire investigation file was designated as the record for purposes of presenting a *prima facie* case upon default, including submissions from Respondent and all information in the administrative file relating to the mailing of notices and any responses received.

### 3.

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**

3.1 Chase was licensed as a principal broker doing business under Rustic Realty. On January 1, 2019, Chase's registered business name Rustic Realty expired, causing her real estate license to become inactive. On April 23, 2019, Chase renewed her business name, Rustic Realty, with the Agency and her real estate license became active again. On February 1, 2020, Chase's principal broker license expired from failing to renew and it remains expired.

3.2 Throughout October 2018, the Agency received two complaints against Chase, one from the Julie McKinney (McKinney), the city Recorder for Sumpter, OR, the other was from property owner, Edward Yaneshek (Yaneshek).

3.3 Yaneshek owned property in Sumpter located at 844 N. Cracker Street (N. Cracker). Yaneshek resided in CA and would occasionally travel and stay at N. Cracker.

3.4 Yaneshek and Chase met several years ago, when he walked into Rustic Realty to discuss listing N. Cracker for sale. When Yaneshek decided to list the property, he did not sign a listing agreement with Chase.

3.5 Chase put up "For Sale" signs on N. Cracker, and made a flyer advertising the property. Chase claimed during the investigation she called Yaneshek and requested him to come to Sumpter to sign the paperwork but he never did. Chase failed to mail a listing agreement to Yaneshek.

3.6 After about N. Cracker was two years on the market Chase verbally offered to purchase N. Cracker from Yaneshek. Chase removed the "For Sale" signs and stopped advertising. According to Chase she had until December 31, 2017, to purchase N. Cracker. Chase did not mail a real estate purchase agreement to Yaneshek.

3.7 Chase rented N. Cracker out to two different tenants for a total of 6 months between timeframes of May- October 2017. Chase did not have any tenant agreements, nor did she sign a property management agreement with Yaneshek.

3.8 Chase alleged during the investigation Yaneshek didn't want to rent out N. Cracker himself, but because she was going to buy it, he said it was ok.

3.9 Yaneshek stated during the investigation, he was adamant he told Chase no tenants. Yaneshek was initially unaware that Chase had rented N. Cracker to tenants finding out only around September or October 2017.

3.10 Chase rented N. Cracker for approximately \$450.00 a month and the first tenant was there, approximately 4-5 months, and the second tenant, only 1-2 months. Chase received the rental income and none of it was passed on to Yaneshek.

3.11 Yaneshek sued Chase for lost rent, repairs for damages caused by the tenants, personal property conversion, and attorney fees. Chase defaulted, and a General Judgement and Money Award dated March 12, 2018, was issued against Chase for \$34,000.

3.12 Chase admitted she had failed to report the adverse decision to the Agency because she was unaware she needed to.

3.13 On June 14, 2018, Rustic Realty's Oregon Secretary of State business registry expired.

3.14 On December 20, 2018, the Agency sent an email to the email address of record to Rustic Realty LLC about the upcoming renewal deadline. Another email was sent on January 1, 2019 and January 2, 2019, to the email address of record for Chase notifying her that her license was inactive. Chase had lost access to her website and her email.

3.15 On May 30, 2015, Chase listed 340 S. Mill St. Sumpter OR (340 Mill St.) on RMLS representing the seller, Scott Parkhurst (Parkhurst).

3.16 The sales agreement for 340 Mill St. is dated July 11, 2018, shows Chase representing herself as the buyer, and representing the seller, Parkhurst. Chase signed the agreement, "Sandra L. Chase and/or assigns."

3.17 The first addendum (Addendum 1) is dated August 1, 2018, assigns Dawna Gentry (Gentry) as the buyer. This addendum is signed by Chase, Gentry and Parkhurst. The second addendum (Addendum 2) is dated August 29, 2018, extends closing on or before May 1, 2019. This addendum is signed by Gentry and Parkhurst. The third Addendum (Addendum 3) is dated May 16, 2019, extends closing to on or before May 17, 2019, and is signed by Gentry and Parkhurst. There is a fourth addendum, but it is not signed or dated.

3.18 As of May 6, 2019, Chase had recently moved her business to the 340 Mill St and was operating from that location. Chase informed OREA Financial Investigator/Auditor

Meghan Lewis that 340 S. Mill was her new office location. Chase identified 340 S. Mill St as her main office address in Agency records.

3.19 In the investigation Parkhurst stated he did not allow Chase to lease the property (340 Mill St). He did state he gave her permission to store things in the shed out back but did not give her permission to use the space as a residence or office. Chase did not pay any rent to Parkhurst.

3.20 On January 1, 2019, Chase's registered business name Rustic Realty expired, causing her real estate license to become inactive. Chase conducted professional real estate activity from January 1, 2019 through April 22, 2019, while her license was inactive.

3.21 Chase had the following listings which continued on during the timeframe her license was expired:

- RMLS# 15321757, Tax Lots 2114, 2115, 2116
- RMLS# 12160548, Red Boy Rd., Granite
- RMLS# 12289238, Main St., Granite
- RMLS# 17564237, Tax Lot 111, Sumpter
- RMLS# 17461791, 428 Mill St., Sumpter
- RMLS# 12682706, Tax Lot 3200, Sumpter
- RMLS# 13494024, Tax Lot 202, Sumpter
- RMLS# 18513861, 384 W. High St., Sumpter
- RMLS# 15025257, 340 S. Mill St., Sumpter.

3.22 Additionally, Chase was involved in a real estate transaction regarding 650 Sumpter Hwy. Chase was the listing agent on the property. On March 19, 2019, Chase presented an offer to property owner Michael Schindele (while her license was inactive). RMLS shows a sold date of April 22, 2019, on the property.

## STATEMENT OF LAW

1. ORS 696.301(3) as it incorporates:

a. ORS 696.020(2) (2017 Edition) ORS 696.020(2) states individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state unless the individual holds an active license as provided for in this chapter.

b. ORS 696.805(2)(a)(3)(a)(c)(2017 Edition) which states, (2) A seller's agent owes the seller, other principals and the principals' agents involved in a real estate transaction the following affirmative duties: (a) To deal honestly and in good faith. (3) A seller's agent owes the seller involved in a real estate transaction the following affirmative duties: (a) To exercise reasonable care and diligence; (c) To be loyal to the seller by not taking action that is adverse or detrimental to the seller's interest in a transaction.

c. 696.805(3)(a)(c)(2015 Edition), which states, (3) A seller's agent owes the seller involved in a real estate transaction the following duties: (a) To exercise reasonable care and diligence; (c) To be loyal to the seller by not taking action that is adverse or detrimental to the seller's interest in a transaction. Chase also violated ORS 696.301(12) which states the a licensee's real estate license may be disciplined if they have demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license.

d. 696.805(3)(c)(2015 Edition), which states, (3) A seller's agent owes the seller involved in a real estate transaction the following affirmative duties; (c) To be loyal to the seller by not taking action that is adverse or detrimental to the seller's interest in a transaction.

2. ORS 696.301(12) and (14) (2015 Edition) which states a licensee's real estate license may be disciplined if they have (12) Demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license; (14) Committed an act of fraud or engaged in dishonest conduct substantially related to the fitness of the applicant or real estate licensee to conduct professional real estate activity, without regard to whether the act or conduct occurred in the course of professional real estate activity.

3. ORS 696.301(3) as it incorporates:

a. OAR 863-014-0062(1) (1-1-2018 Edition), which states, each active, inactive, and expired real estate licensee must maintain on file with the Agency a current mailing address and email address and notify the Agency within 10 calendar days of a change to a mailing or email address.

b. OAR 863-014-0095(1)(1-1-2018 Edition), which requires, a licensee to maintain the registered business name in active status with the Oregon Secretary of State's Corporation Division for any name other than the licensee's legal name.

c. OAR 863-015-0125(2)(e)(5-15-14 and 11-15-16 Editions), which states, (2) Advertising by a licensee, in process and in substance, must: (e) Be done only with the written permission of the property owner(s) or owner(s') authorized agent.

d. OAR 863-015-0130(1)(2)(a)(b)(c)(d)(5-15-14 and 11-15-16 Editions) which states: (1) A real estate broker or principal broker who enters into a listing agreement, as defined by ORS 696.800, must give the seller signing the listing agreement a true, legible copy of the signed listing agreement at the time of securing the listing; (2) Every listing agreement must meet the following requirements; (a) It must state an expiration date; (b) It may not contain a provision requiring the seller to notify the licensee of the individual's intention to cancel the listing after the stated, definite expiration date; (c) It may not contain a provision subjecting the seller of the listed property to the payment of two or more commissions for one sale if the seller lists the same property with a second or subsequent real estate broker or principal broker after the first or preceding listing agreement expires or is terminated by mutual agreement; and (d) It must be signed by all parties to the agreement.

e. OAR 863-015-0175(1)(b)(c)(4) (1-1-2018 Edition), which states, (1) A real estate licensee must notify the Commissioner of the following (b) Any adverse decision or judgment resulting from any civil or criminal suit or action or arbitration proceeding or any administrative or Oregon State Bar proceeding related to the licensee in which the licensee was named as a party and against whom allegations concerning any business conduct or professional real estate activity is asserted; and (c) Any adverse decision or judgment resulting from any other criminal or civil proceeding that reflects adversely on the "trustworthy and competent" requirements contained in ORS Chapter 696 and its implementing rules. (4) The notification



required by this rule must be made within twenty 20 calendar days after receiving written notification of an adverse judgment, award, or decision described in this rule. Notification must be made under this rule whether or not the decision is appealed.

### **ULTIMATE FINDINGS OF FACT**

1. Chase failed to obtain a written listing agreement with property owner, Yaneshek, for N. Cracker.
2. Chase failed to obtain Yaneshek's written permission to advertise his real estate for sale.
3. Chase failed to have a written sales agreement in place with Yaneshek regarding her intended purchase of N. Cracker Street.
4. Chase rented N. Cracker out to tenants and kept all rental income, without Yaneshek's knowledge.
5. Chase failed to report the March 12, 2018, judgement within 20 days to the Agency.
6. Chase failed to maintain an active business name registered with the Oregon Secretary of State.
7. Chase failed to maintain a current email address on file with the Agency.
8. Chase moved her office location to 340 S. Mill St. without having the property owner's permission to use their property either as a residence or office.
9. Despite having an inactive real estate license from January 1, 2019, through April 22, 2019, Chase continued to perform professional real estate activity, evidenced by nine real estate listings and one real estate sale transaction (10 separate occurrences).

### **CONCLUSIONS OF LAW**

1. Pursuant to ORS 183.417(4) and OAR 137-003-0670 Chase is in default.
2. The material facts establish violations of a ground for discipline under ORS 696.301 as set forth in the *Notice of Intent to Revoke License No. 200704279 and Assess a Civil Penalty*. ORS 696.396(2)(c)(B) and (C).

3. Based on these violations, the Agency may revoke Chase's principal broker license.
4. Specifically, Chase is subject to discipline pursuant to ORS 696.301(3), (12) and (14).  
A revocation of Chase's principal broker license is appropriate for violations of ORS 696.301(3), (12) and (14). ORS 696.301(3), (12) and (14) which states in part a licensee's real estate license may be disciplined if they have: (3) disregarding or violating any provision of ORS 659A.421, 969.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency; (12) demonstrating incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license; (14) committing an act of fraud or engaged in dishonest conduct substantially related to the fitness of the applicant or real estate licensee to conduct professional real estate activity, without regard to whether the act or conduct occurred in the course of professional real estate activity.
5. A revocation of Chase's principal broker license is appropriate under ORS 696.396(2)(c)(B) and (C). According to ORS 696.396(2)(c)(B) and (C) the Agency may revoke a real estate licensee if the material facts establish a violation of a ground for discipline under ORS 696.301 that exhibits incompetence in the performance of professional real estate activity or exhibits dishonesty or fraudulent conduct.
6. The *Notice of Intent to Revoke License No. 200704279 and Assess a Civil Penalty* also established grounds to assess a civil penalty pursuant to ORS 696.990(4)(a) and (b) for violations of ORS 696.020(2), and based on these violations, the Agency may assess a civil penalty against Chase.
7. Based on the evidence in the record, the preponderance of the evidence weighs in favor of the revocation of Chase's principal broker license and assessing a \$9,500.00 civil penalty for the professional real estate activity done while her license was inactive.
8. The Agency may, therefore, revoke Chase's principal broker license. The Agency may also assess a civil penalty in the amount of \$9,500.00.
9. Pursuant to ORS 696.775, the expiration of Chase's license does not prohibit the Commissioner from proceeding with this, or further, action.

## OPINION

The Agency takes its consumer protection role very seriously. Chase's actions as documented herein constituted multiple violations of Agency statutes and rules. Most importantly, Chase's dishonest actions of renting out a property owned by another to two different sets of tenants, without the owner's permission and keeping all rent proceeds is a violation of the law. Moreover, Chase moved her business office into a separate property without the owner's knowledge or permission. Chase took advantage of two different sellers and enjoyed economic gain from her actions demonstrating incompetence or untrustworthiness and she committed an act of fraud or dishonest conduct.

The specific violations are repeated here below:

- (1) By failing to obtain a written listing agreement with property owner, Yaneshek, for N. Cracker, Chase violated ORS 696.301(3) as it incorporates OAR 863-015-0130(1)(2)(a)(b)(c)(d)(5-15-14 and 11-15-16 Editions) which states: (1) A real estate broker or principal broker who enters into a listing agreement, as defined by ORS 696.800, must give the seller signing the listing agreement a true, legible copy of the signed listing agreement at the time of securing the listing; (2) Every listing agreement must meet the following requirements; (a) It must state an expiration date; (b) It may not contain a provision requiring the seller to notify the licensee of the individual's intention to cancel the listing after the stated, definite expiration date; (c) It may not contain a provision subjecting the seller of the listed property to the payment of two or more commissions for one sale if the seller lists the same property with a second or subsequent real estate broker or principal broker after the first or preceding listing agreement expires or is terminated by mutual agreement; and (d) It must be signed by all parties to the agreement.
- (2) By failing to obtain Yaneshek's written permission to advertise his real estate for sale Chase violated ORS 696.301(3) as it incorporates OAR 863-015-0125(2)(e)(5-15-14 and 11-15-16 Editions), which states, (2) Advertising by a licensee, in process and in substance, must: (e) Be done only with the written permission of the property owner(s) or owner(s') authorized agent.

(3) Chase failed to have a written sales agreement in place with Yaneshek regarding her intended purchase of N. Cracker Street, which violated ORS 696.301(3) as it incorporates 696.805(3)(a)(c)(2015 Edition), which states, (3) A seller's agent owes the seller involved in a real estate transaction the following duties: (a) To exercise reasonable care and diligence; (c) To be loyal to the seller by not taking action that is adverse or detrimental to the seller's interest in a transaction. Chase also violated ORS 696.301(12) which states the a licensee's real estate license may be disciplined if they have demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license.

(4) By renting N. Cracker out to tenants and keeping all rental income, without Yaneshek's knowledge, Chase violated ORS 696.301(3) as it incorporates ORS 696.805(3)(c)(2015 Edition), which states, (3) A seller's agent owes the seller involved in a real estate transaction the following affirmative duties; (c) To be loyal to the seller by not taking action that is adverse or detrimental to the seller's interest in a transaction. Additionally, Chase violated ORS 696.301(12) and (14)(2015 Edition) which states a licensee's real estate license may be disciplined if they have (12) Demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license; (14) Committed an act of fraud or engaged in dishonest conduct substantially related to the fitness of the applicant or real estate licensee to conduct professional real estate activity, without regard to whether the act or conduct occurred in the course of professional real estate activity.

(5) By failing to report the March 12, 2018, judgement within 20 days to the Agency Chase violated ORS 696.301(3) as it incorporates OAR 863-015-0175(1)(b)(c)(4) (1-1-2018 Edition), which states, (1) A real estate licensee must notify the Commissioner of the following (b) Any adverse decision or judgment resulting from any civil or criminal suit or action or arbitration proceeding or any administrative or Oregon State Bar proceeding related to the licensee in which the licensee was named as a party and against whom allegations concerning any business conduct or professional real estate activity is asserted; and (c) Any adverse decision or judgment resulting from any other criminal or civil proceeding that reflects adversely on the "trustworthy and competent" requirements contained in ORS Chapter 696 and its implementing rules. (4) The notification required by this rule must be made within twenty 20 calendar days

after receiving written notification of an adverse judgment, award, or decision described in this rule. Notification must be made under this rule whether or not the decision is appealed.

(6) By failing to maintain an active business name registered with the Oregon Secretary of State, Chase violated ORS 696.301(3) as it incorporates OAR 863-014-0095(1)(1-1-2018 Edition), which requires, a licensee to maintain the registered business name in active status with the Oregon Secretary of State's Corporation Division for any name other than the licensee's legal name.

(7) By failing to maintain a current email address on file with the Agency, Chase violated ORS 696.301(3) as it incorporates OAR 863-014-0062(1) (1-1-2018 Edition), which states, each active, inactive, and expired real estate licensee must maintain on file with the Agency a current mailing address and email address and notify the Agency within 10 calendar days of a change to a mailing or email address.

(8) By moving her office location to 340 S. Mill St. without having the property owner's permission to use their property either as a residence or office Chase violated ORS 696.301(3) as it incorporates ORS 696.805(2)(a)(3)(a)(c)(2017 Edition) which states, (2) A seller's agent owes the seller, other principals and the principals' agents involved in a real estate transaction the following affirmative duties: (a) To deal honestly and in good faith. (3) A seller's agent owes the seller involved in a real estate transaction the following affirmative duties: (a) To exercise reasonable care and diligence; (c) To be loyal to the seller by not taking action that is adverse or detrimental to the seller's interest in a transaction. Additionally Chase violated ORS 696.301(12)(14)(2015 Edition), which states a licensee's real estate license may be disciplined if they have (12) Demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license; and (14) Committed an act of fraud or engaged in dishonest conduct substantially related to the fitness of the applicant or real estate licensee to conduct professional real estate activity, without regard to whether the act or conduct occurred in the course of professional real estate activity.

(9) Despite having an inactive real estate license from January 1, 2019, through April 22, 2019, records show Chase continued to perform professional real estate activity, evidenced by nine real estate listings and one real estate sale transaction (10 separate occurrences) in violation of ORS 696.020(2) (2017 Edition) ORS 696.020(2) states individual may not engage

in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state unless the individual holds an active license as provided for in this chapter.

**ORDER**

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

IT IS FURTHER ORDERED that, pursuant to ORS 696.990(4)(a) and (b) and based upon the violation set forth above for engaging in professional real estate activity while her license was inactive, Chase pay a civil penalty of \$9,500.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to OREA.

Dated this 12th day of May, 2020.

*OREGON REAL ESTATE AGENCY*

**Steven  
Strode**

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Date: 2020.05.12  
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Steven Strode

Real Estate Commissioner

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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.

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REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of  
TINA MARIE TEEL } STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Tina Marie Teel (Teel) do hereby agree and stipulate to the following:

FINDINGS OF FACT  
&  
CONCLUSIONS OF LAW

1.

1.1 Teel was licensed as a property manager doing business under the registered business name of Mountain View Business Services. Tina's license expired on September 1, 2019.

1.2 Teel was selected for a Reconciliation Mail-In Review and was required to submit her April 2018 reconciliation for security deposits account ending in #3639. The reconciliation form showed the account was \$12,872.42 short. The Agency opened an investigation.

1.3 Teel explained the shortage was due to repair expenses incurred at three separate rental properties she managed from April 2018 to July 2018. The owners of the properties were not in the state or country and were unreachable at the time. The properties needed repairs quickly and the repair costs surpassed the security deposits associated with the three properties.

1.4 Teel provided repair receipts for each of the three properties.

1.5 During the time of the repairs, Teel put all the security deposit funds into her clients' trust account and paid the repair expenses from there.

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1 1.6 Teel provided documentation of how she kept track of and recovered the repair  
2 expenses through the collected rent for the three different properties. She later put the funds  
3 back into the security deposits account to restore the account after collecting rents over a few  
4 months on the three properties. On June 6, 2018, Teel deposited \$12,872.42 to the security  
5 deposits account (the amount of funds the April 2018 reconciliation was short).

6 1.7 During her interview on June 7, 2019, with Agency Financial Investigator/Auditor  
7 Jeremy Brooks Teel acknowledged she should not have used the funds in the security deposit  
8 account but felt pressure to repair the properties since they were a safety risk to tenants. Teel  
9 expressed her intention was to take care of the properties and prevent lawsuits or habitability  
10 issues or liens occurring.

11 **Violation:** By failing to maintain the tenant security deposit funds in a security deposits  
12 account and by disbursing funds for purposes not authorized by the lease agreement or  
13 property management agreement Teel violated ORS 696.301(3) as it incorporates 863-025-  
14 0030(1)(b) (1-1-2018 Edition) which states except as provided in section (3) of this rule, all  
15 tenants' security deposits received by a property manager must be deposited and maintained  
16 in a security deposits account until: (b) the property manager disburses the tenants security  
17 deposit for purposes authorized by the tenant's rental or lease agreement and the property  
18 management agreement.

19 2.

20 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.  
21 Based on these violations a reprimand is appropriate for violations of ORS 696.301(3).

22 2.2 The Agency reserves the right to investigate and pursue additional complaints  
23 that may be received in the future regarding this licensee.

24 2.3 In establishing the violations alleged above, OREA may rely on one or more of  
25 the definitions contained in ORS 696.010.

26 2.4 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a  
27 real estate license, whether by operation of law, order of the Real Estate Commissioner or  
28 decision of a court of law, or the inactive status of the license, or voluntary surrender of the  
29 license by the real estate licensee does not deprive the commissioner of jurisdiction to: (1)  
30 proceed with an investigation of the licensee; (2) conduct disciplinary proceedings relating to



1 the licensee; (3) Take action against a licensee, including assessment of a civil penalty against  
2 the licensee for a violation of ORS 696.020(2); or (4) revise or render null and void an order  
3 suspending or revoking a license.

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#### STIPULATION & WAIVER

6 I have read and reviewed the above findings of fact and conclusions of law which have  
7 been submitted to me by the Agency and further, the order which follows hereafter. I  
8 understand that the findings of fact, conclusions of law and this stipulation and waiver embody  
9 the full and complete agreement and stipulation between the Agency and me. I further  
10 understand that if I do not agree with this stipulation I have the right to request a hearing on  
11 this matter and to be represented by legal counsel at such a hearing. Hearings are conducted  
12 in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the  
13 Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. I  
14 freely and voluntarily waive my rights to a hearing, to representation by legal counsel at such a  
15 hearing, and to judicial review of this matter.

16 I hereby agree and stipulate to the above findings of fact and conclusions of law and  
17 understand that the order which follows hereafter may be completed and signed by the Real  
18 Estate Commissioner or may be rejected by the Real Estate Commissioner. I understand that,  
19 in accordance with the provisions of ORS 696.445(3), notice of this order shall be published in  
20 the Oregon Real Estate News Journal.

21 I agree once the Commissioner executes this stipulated order, I will accept service of  
22 the final order by email, and hereby waive the right to challenge the validity of service.

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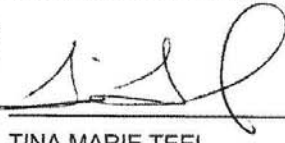
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ORDER

IT IS HEREBY ORDERED that Teel's property manager license be, and hereby is reprimanded.

IT IS SO STIPULATED:

  
TINA MARIE TEEL

Date 4/14/2020

IT IS SO ORDERED:

Steven  
Strode Digitally signed by Steven Strode  
Date: 2020.04.15 08:26:00 -07'00'  
STEVEN STRODE

Real Estate Commissioner  
Date 4/15/20

Date of Service: 4/15/2020

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

SHERRI R. GREGORY

FINAL ORDER BY DEFAULT

**PROCEDURAL HISTORY**

1.

1.1 On April 2, 2020, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Reprimand* the real estate principal broker license of Sherri R. Gregory (Gregory). The Oregon Real Estate Agency (Agency) sent the Notice of Intent to Gregory's last known address of record with the Agency (39394 Crawfordville Dr. Sweet Home, OR). The *Notice of Intent to Reprimand* was also mailed to Gregory by regular first class mail.

1.2 The notice was also emailed to Gregory at her email address of record.

1.3 Neither of the mailings have been returned to the Agency. Over twenty (20) days have elapsed since the mailing of the notice issued in this matter and no written request for hearing has been received.

2.

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

2.1 Oregon Administrative Rule 863-001-0006 states, in part, that a notice of intent is properly served when deposited in the United States mail, registered or certified mail, addressed to the real estate licensee or to any other person having an interest in a proceeding before the Commissioner at the licensee's or other person's last known address of record with the Agency.

2.2 Gregory's last known address of record with the Agency was 39394 Crawfordville Dr., Sweet Home, OR 97389.

2.3 A certified mailing of the notice of intent was mailed to Gregory at her last known address of record on April 2, 2020. The certified mailing of the notice has not been returned to the Agency.

2.4 The notice was also mailed regular first class mail in a handwritten envelope. The mailing in the handwritten envelope has not been returned to the Agency. In accordance with ORS 40.135(1)(q), there is a presumption that the mailing properly addressed and placed with the U.S. Postal Service was delivered. That presumption has not been overcome by any evidence.

2.5 Over twenty (20) days have elapsed since the mailing of the notice and no written request for a hearing has been received.

2.6 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a real estate license, whether by operation of law, order of the Real Estate Commissioner or decision of a court of law, or the inactive status of the license, or voluntary surrender of the license by the real estate licensee does not deprive the commissioner of jurisdiction to: (1) proceed with an investigation of the licensee; (2) conduct disciplinary proceedings relating to the licensee; (3) Take action against a licensee, including assessment of a civil penalty against the licensee for a violation of ORS 696.020(2); or (4) revise or render null and void an order suspending or revoking a license.

2.7 As noted in paragraph 7 of the *Notice of Intent to Reprimand*, the Agency's entire investigation file was designated as the record for purposes of presenting a *prima facie* case upon default, including submissions from Gregory and all information in the administrative file relating to the mailing of notices and any responses received.

### 3.

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**

3.1 Gregory was licensed as a real estate principal broker doing business under Keller Williams Realty Mid-Willamette. Prior to doing business under Keller Williams Realty Mid-Willamette, Gregory worked under Heritage NW Real Estate, Inc.

3.2 On August 6, 2018, the Agency received a complaint from broker Michael Eastlund (Eastlund) alleging that Sandra Trevino (Trevino) of the Gregory Home Team with Keller Williams Realty Mid-Willamette intentionally interfered with the exclusive representation of another licensee. The Agency opened an investigation on Gregory who was the principal broker for the Gregory Home Team.

3.3 On June 30, 2018, buyers, Gerald and Janell Iverson, signed an offer to purchase property located at 1445 60<sup>th</sup> Avenue, Sweet Home, Oregon (subject property). Eastlund represented the buyers, and Gregory represented the sellers, Michael and Lorinda Hanes.

3.4 On July 9, 2018, Gregory emailed a Receipt of Reports/Removal of Contingencies Addendum (OREF 059) to Fidelity National Title (Fidelity) with a request to have all parties sign at closing. Gregory did not include Eastlund, the buyer's broker, in the communication with Fidelity, nor did Gregory send the OREF 059 directly to Eastlund.

3.5 The OREF 059 that Gregory sent to Fidelity contained the following language: "Furthermore, both buyer and seller hereby agree to hold both Keller Williams Realty Mid-Willamette and their agents harmless from any issue or matters both present and future related to this sale,"

3.6 Between December 5, 2012, and May 15, 2019, the Gregory Home Team's website did not contain a statement that the licensees were licensed in the State of Oregon on the first page.

3.7 As of April 17, 2019, the Gregory Home Team's website contained headings for both KW Mid-Willamette and KW Capital City. Gregory's license was never associated with KW Capital City.

3.8 Between December 5, 2012, and January 29, 2016, the Gregory Home Team's website did not contain the registered business name Gregory's license was associated with (Keller Williams Realty Mid-Willamette and prior to that, Heritage NW Real Estate, Inc.).

3.9 Between December 13, 2018, and May 15, 2019, the Gregory Home Team's website advertised broker, James Buckridge (Buckridge), as a member of the Gregory Home Team when Buckridge's license was associated with a completely different registered business name, Keller Williams Eugene. Due to the fact that Buckridge was under a completely different registered business name (Keller Williams Eugene) Gregory did not supervise Buckridge's professional real estate activity.

### **STATEMENT OF LAW**

1. ORS 696.301(3) which states a real estate licensee's real estate license may be disciplined if they have: (3) disregarded or violated any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency.
2. ORS 696.301(3) as it incorporates:
  - a. ORS 696.805(5) (2017 edition) which states that except as provided in subsection 3(g) of this section, an affirmative duty may not be waived.
3. ORS 696.301(6) and (7) (2017 Edition) which states in part a licensee's real estate licensee may be disciplined if they have: (6) intentionally interfered with the contractual relations of others concerning real estate or professional real estate activity, and (7) intentionally interfered with the exclusive representation or exclusive brokerage relationship of another real estate licensee
3. ORS 696.301(3) as it incorporates:
  - a. OAR 863-015-0125(2)(b) (1/1/2018 Edition) which states that advertising by a licensee, in process and in substance must be truthful and not deceptive or misleading.
  - b. OAR 863-015-0125(4) (9/14/2012, 4/1/2013, 5/15/2014 Editions) which states the licensed name or registered business name of the principal real estate broker, sole practitioner

real estate broker or property manager must be prominently displayed, immediately noticeable, and conspicuous in all advertising.

c. OAR 863-015-0125(9)(b)(C) (9/14/2012, 4/1/2013, 5/15/2014, 11/15/2016 and 1/1/2018 Editions). OAR 863-015-0125(9) requires advertising in electronic media and by electronic communication, including but not limited to the Internet, web pages, E-mail, E-mail discussion groups, blogs, and bulletin boards is subject to the following requirements: (b) advertising by a licensee must include on its first page: (C) a statement that the licensee is licensed in the State of Oregon.

d. OAR 863-015-0125(11)(c) (11/15/2016 and 1/1/2018 Editions) a licensee may use the term “team” or “group” to advertise if: (c) the licensee members of the team or group are associated with the same principal broker or property manager.

#### **ULTIMATE FINDINGS OF FACT**

1. Gregory intentionally interfered with the contractual relations of others concerning real estate or professional real estate activity and intentionally interfered with the exclusive representation or exclusive brokerage relationship of another licensee. Gregory also attempted to waive an affirmative duty that may not be waived.
2. Gregory failed to have a statement on the first page on the Gregory Home Team’s website that stated the licensees were licensed in Oregon.
3. As of April 17, 2019, Gregory’s Home Team Website contained headings for both KW Mid-Willamette and KW Capital City.
4. Between December 5, 2012 and January 29, 2016, Gregory failed to have the registered business name her license was associated with on her Gregory Home Team’s website.
5. Between December 13, 2018, and May 15, 2019, Gregory advertised a broker on her Gregory Home Team’s website that was not under her supervision and was associated with a completely different registered business name.

## **CONCLUSIONS OF LAW**

1. Pursuant to ORS 183.417(4) and OAR 137-003-0670 Gregory is in default.
2. The material facts establish violations of a ground for discipline under ORS 696.301 as set forth in the *Notice of Intent to Reprimand*.
3. Based on these violations, the Agency may reprimand Gregory's principal broker license.
4. Specifically, Gregory is subject to discipline pursuant to ORS 696.301(3), (6), and (7). ORS 696.301(3), (6) and (7) (2017 Edition) which states in part a licensee's real estate licensee may be disciplined if they have: (3) disregarded or violated any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency; (6) intentionally interfered with the contractual relations of others concerning real estate or professional real estate activity, and (7) intentionally interfered with the exclusive representation or exclusive brokerage relationship of another real estate licensee.
5. A reprimand is appropriate for violations of ORS 696.301(3), (6), and (7).
6. Based on the evidence in the record, the preponderance of the evidence weighs in favor of the reprimand of Gregory's principal broker license.
7. The Agency may, therefore, reprimand Gregory's principal broker license.

## **OPINION**

The Agency takes its consumer protection role very seriously. Gregory's use of the hold harmless verbiage on the addendum was an intentional interference into a real estate contract and exclusive brokerage relationship. Gregory sent the addendum with the hold harmless language directly to escrow to have all parties sign at closing. The potential for harm caused by this type of hold harmless language on the addendum is high. Parties to a real estate contract may not be aware that they do not have to sign such an agreement or that affirmative duties may not be waived. The hold harmless language would likely wrongfully discourage a party to file a complaint or seek remedies against a real estate licensee in the event something



went wrong in the transaction. Additionally, by sending the addendum directly to escrow without a chance for the buyer's broker to review prior it would place additional pressure on the buyers to sign the addendum.

The specific violations are repeated here below:

(1) By including the hold harmless verbiage on the addendum which was emailed directly to Fidelity Gregory violated ORS 696.301(6) and (7) (2017 Edition) which states in part a licensee's real estate licensee may be disciplined if they have: (6) intentionally interfered with the contractual relations of others concerning real estate or professional real estate activity, and (7) intentionally interfered with the exclusive representation or exclusive brokerage relationship of another real estate licensee. Gregory also violated ORS 696.301(3) as it incorporates ORS 696.805(5) (2017 edition) which states that except as provided in subsection 3(g) of this section, an affirmative duty may not be waived.

(2) By failing to have a statement on the first page of the website that the licensees were licensed in Oregon, Gregory violated ORS 696.301(3) as it incorporates OAR 863-015-0125(9)(b)(C) (9/14/2012, 4/1/2013, 5/15/2014, 11/15/2016 and 1/1/2018 Editions). OAR 863-015-0125(9)(b)(C) requires advertising in electronic media and by electronic communication, including but not limited to the Internet, web pages, E-mail, E-mail discussion groups, blogs, and bulletin boards is subject to the following requirements: (b) advertising by a licensee must include on its first page: (C) a statement that the licensee is licensed in the State of Oregon.

(3) By using KW Capital City in her advertising, when her license was not associated with KW Capital City, Gregory violated ORS 696.301(3) as it incorporates OAR 863-015-0125(2)(b) (1/1/2018 Edition) which states that advertising by a licensee, in process and in substance must be truthful and not deceptive or misleading.

(4) By failing to have the registered business name on the Gregory Home Team website Gregory violated ORS 696.301(3) as it incorporates OAR 863-015-0125(4) (9/14/2012, 4/1/2013, 5/15/2014 Editions) which states the licensed name or registered business name of the principal real estate broker, sole practitioner real estate broker or property manager must be prominently displayed, immediately noticeable, and conspicuous in all advertising.

(5) By advertising a Buckridge as part of the Gregory Home Team, when Buckridge was not even associated with Keller Williams Realty Mid-Willamette Gregory violated ORS

696.301(3) as it incorporates OAR 863-015-0125(11)(c) (11/15/2016 and 1/1/2018 Editions) a licensee may use the term “team” or “group” to advertise if: (c) the licensee members of the team or group are associated with the same principal broker or property manager.

ORDER

IT IS HEREBY ORDERED that Gregory’s principal broker license be, and hereby is reprimanded.

Dated this 5th day of May, 2020.

*OREGON REAL ESTATE AGENCY*

**Steven Strobe** Digitally signed by Steven Strobe  
Date: 2020.05.05 07:54:52 -07'00'

\_\_\_\_\_  
Steven Strobe  
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 AARON RIAN ) STIPULATED FINAL ORDER  
7 )  
8 )  
9

10 The Oregon Real Estate Agency (Agency) and Aaron Rian (Rian), in order to avoid the  
11 expense and risks of hearing and appeals “do hereby” agree to resolve this case and stipulate  
12 that the following findings, conclusions and order may be entered.  
13

14 FINDINGS OF FACT  
15 &  
16 CONCLUSIONS OF LAW

17 1.

18 1.1 Rian was licensed as a principal broker doing business under the registered  
19 business name The Rian Group Real Estate (now called The Brokerage House, the name  
20 change occurred on January 16, 2019).

21 1.2 The Agency received several complaints regarding The Rian Group Real Estate  
22 (The Rian Group) and in August 2018, the Agency opened an investigation.

23 1.3 Rian was responsible for the following:

- 24 • All listing agents  
25 • Marketing department operation and employees  
26 • All advertising for The Rian Group

27 1.4 The Rian Group’s Inside Sale Team made numerous outbound calls each day to  
28 inquire if people were interested in listing their home, and if so, they would set up an  
29 appointment with a real estate licensee. The Inside Sales Team individuals were not licensed  
30 and were supervised by Rian.

1           1.5     A small claims civil suit was filed in Washington County, Oregon (Case No  
2 175C14779) against Rian, The Rian Group and The Money Team Investments, LLC. The  
3 small claim suite resulted in a \$7,740.00 judgement and money award against the defendants  
4 on July 7, 2017. Rian failed to notify the Agency of the judgement within the required 20 days.

5 **(1) Violation:** By failing to report the July 7, 2017, \$7,740.00 judgment Rian violated ORS  
6 696.301(3) as it incorporates OAR 863-015-0175(1)(b)(4) (11-15-16 Edition), which requires a  
7 licensee to report any adverse judgment to the Agency within 20 calendar days after the  
8 licensee receives written notification of an adverse judgment.

9           1.6     Denise Garceau (Garceau) was contacted several times by The Rian Group's  
10 Inside Sales Team regarding her daughter's property. Garceau stated that a representative  
11 guaranteed if they sold the property they would get her 112% over asking price.

12 **(2) Violation:** By failing to supervise and allow The Rian Group's representative to  
13 guarantee that they could sell Denise Garceau's daughter's home for 112% over asking price  
14 during a phone call, Rian violated ORS 696.301(3) as it incorporates OAR 863-015-0125(10)  
15 and OAR 863-015-0140(3) (11-15-16 Edition). OAR 863-015-0125(10) states no advertising  
16 may guarantee future profits from any real estate activity. OAR 863-015-0140(3) requires a  
17 principal real estate broker to supervise and control the professional real estate activity at any  
18 main or branch office registered by the principal broker.

19           1.7     Haili Barber, an Oregon real estate broker had an active property listing when  
20 she received calls from The Rian Group. The first call was attempting to set up an  
21 appointment with the home owner of her listing. Barber's assistant received a second call from  
22 The Rian Group and the caller asked her assistant during the call about the listing. The third  
23 call from The Rian Group was from a caller Everett Alcontra (Alcontra). Alcontra attempted to  
24 schedule an appointment for Barber with a real estate licensee from The Rian Group to  
25 provide a comparative market analysis for the listed property.

26 **(3) Violation:** By allowing multiple call team representatives from The Rian Group to solicit  
27 a listing for a property that was actively listed by broker Haili Barber in 2018, Rian violated  
28 ORS 696.301(6) and (7) (2017 Edition). According to ORS 696.301(6) and (7) a licensee's  
29 real estate license may be disciplined if they have: (6) intentionally interfered with the  
30 contractual relations of others concerning real estate or professional real estate activity; (7)

1 intentionally interfered with the exclusive representation or exclusive brokerage relationship of  
2 another real estate licensee.

3 1.8 The investigation found multiple instances where The Rian Group's unlicensed  
4 Inside Sales Team representatives attempted to procure leads by calling the following  
5 individuals: Joseph West, Denise Garceau, Gary Kogler, Nancy Schoenberg, Haili Barber  
6 and Carol Koffel.

7 **(4) Violation:** By allowing The Rian Group's unlicensed Inside Sales Team representatives  
8 to attempt to procure leads by calling above mentioned individuals Rian violated ORS  
9 696.301(3) as it incorporates ORS 696.315(1) (2015 & 2017 Editions), which states a real  
10 estate licensee may not knowingly permit a nonlicensed individual to engage in professional  
11 real estate activity, with or on behalf of the licensee.

12 2.

13 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.  
14 Based on these violations a reprimand is appropriate for violations of ORS 696.301(3).

15 2.2 The Agency reserves the right to investigate and pursue additional complaints  
16 that may be received in the future regarding this licensee.

17 2.3 In establishing the violations alleged above, OREA may rely on one or more of  
18 the definitions contained in ORS 696.010.

19 2.4 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a  
20 real estate license, whether by operation of law, order of the Real Estate Commissioner or  
21 decision of a court of law, or the inactive status of the license, or voluntary surrender of the  
22 license by the real estate licensee does not deprive the commissioner of jurisdiction to: (1)  
23 proceed with an investigation of the licensee; (2) conduct disciplinary proceedings relating to  
24 the licensee; (3) Take action against a licensee, including assessment of a civil penalty against  
25 the licensee for a violation of ORS 696.020(2); or (4) revise or render null and void an order  
26 suspending or revoking a license.

27 ///

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30 ///

1 STIPULATION & WAIVER

2 I have read and reviewed the above findings of fact and conclusions of law which have  
3 been submitted to me by the Agency and further, the order which follows hereafter. I  
4 understand that the findings of fact, conclusions of law and this stipulation and waiver embody  
5 the full and complete agreement and stipulation between the Agency and me. I further  
6 understand that if I do not agree with this stipulation I have the right to request a hearing on  
7 this matter and to be represented by legal counsel at such a hearing. Hearings are conducted  
8 in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the  
9 Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. I  
10 freely and voluntarily waive my rights to a hearing, to representation by legal counsel at such a  
11 hearing, and to judicial review of this matter.


12 I hereby agree and stipulate to the above findings of fact and conclusions of law and  
13 understand that the order which follows hereafter may be completed and signed by the Real  
14 Estate Commissioner or may be rejected by the Real Estate Commissioner. I understand that,  
15 in accordance with the provisions of ORS 696.445(3), notice of this order shall be published in  
16 the Oregon Real Estate News Journal.

17 I agree once the Commissioner executes this stipulated order, I will accept service of  
18 the final order by email, and hereby waive the right to challenge the validity of service.

19 ORDER

20 IT IS HEREBY ORDERED that Rian's real estate principal broker license be, and  
21 hereby is reprimanded.

22  
23 IT IS SO STIPULATED:

24   
25 \_\_\_\_\_  
26 AARON RIAN

27  
28 Date 4/5/20

IT IS SO ORDERED:

Steven  
Strode

Digitally signed by Steven  
Strode  
Date: 2020.05.07  
10:12:56 -07'00'



29 STEVEN STRODE

Real Estate Commissioner

30 Date 5/7/20

Date of Service: 5/7/20

1 REAL ESTATE AGENCY  
2 BEFORE THE REAL ESTATE COMMISSIONER  
3

4  
5 In the Matter of the Principal Broker  
6 License of  
7 JAMES L. MARTINSON  
8

}  
} STIPULATED FINAL ORDER  
}

9  
10 The Oregon Real Estate Agency (Agency) and James L. Martinson (Martinson) do  
11 hereby agree and stipulate to the following:

12 FINDINGS OF FACT

13 Martinson was licensed as a principal broker. Martinson's license expired on December  
14 1, 2017. Martinson submitted a renewal application on May 25, 2018. Martinson's license  
15 became active on June 5, 2018. During the time Martinson's license was expired, December  
16 1, 2017, to May 25, 2018, 175 days, Martinson continued conducting professional real estate  
17 activity as if actively licensed.

18 CONCLUSION OF LAW

19 By conducting professional real estate activity over the course of 175 days after  
20 Martinson's license expired and before renewing it, Martinson violated ORS 696.020(2) and is  
21 subject to discipline or civil penalty pursuant to ORS 696.990(4) and (9).

22 STIPULATION & WAIVER

23 I have read and reviewed the above findings of fact and conclusions of law which have  
24 been submitted to me by the Agency and further, the order which follows hereafter. I  
25 understand that the findings of fact, conclusions of law and this stipulation and waiver embody  
26 the full and complete agreement and stipulation between the Agency and me. I further  
27 understand that if I do not agree with this stipulation I have the right to request a hearing on  
28 this matter and to be represented by legal counsel at such a hearing. Hearings are conducted  
29 in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the  
30 Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. I

1 freely and voluntarily waive my rights to a hearing, to representation by legal counsel at such a  
2 hearing, and to judicial review of this matter.

3 I hereby agree and stipulate to the above findings of fact and conclusions of law and  
4 understand that the order which follows hereafter may be completed and signed by the Real  
5 Estate Commissioner or may be rejected by the Real Estate Commissioner. I understand that,  
6 in accordance with the provisions of ORS 696.445(3), notice of this order shall be published in  
7 the Oregon Real Estate News Journal.

8 I agree once the Commissioner executes this stipulated order, I will accept service of  
9 the final order by email, and hereby waive the right to challenge the validity of service.

10 ORDER

11 IT IS HEREBY ORDERED that pursuant to ORS 696.990(1) to (9) and based upon the  
12 violation set forth above, Martinson pay a civil penalty in the sum of \$2,100.00, said penalty to  
13 be paid to the General Fund of the State Treasury by paying the same to the Agency. The civil  
14 penalty is computed in accordance with ORS 696.990(4) and (9) in that each 30-day period of  
15 unlicensed activity is considered one violation. In this instance, there were five (5) 30-day  
16 periods of unlicensed activity.

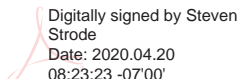
17  
18 IT IS SO STIPULATED:

19  
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21 \_\_\_\_\_  
22 JAMES L. MARTINSON

23  
24 Date 4/15/20

IT IS SO ORDERED:

25  
26 Steven   
27 Strode

28 \_\_\_\_\_  
29 STEVEN STRODE

Real Estate Commissioner

30 Date 4/20/20

Date of Service: 4/20/20



REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Principal Broker  
License of  
DEBRA LEA STEVENS

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Debra Lea Stevens (Stevens) do hereby agree and stipulate to the following:

FINDINGS OF FACT

1.1 Stevens was licensed as a principal broker with Ramsey Realty. Stevens' license expired on September 1, 2018. Stevens submitted a renewal application to renew her license on November 29, 2018.

1.2 On her November 29, 2018, renewal application, Stevens answered "Yes" to the following question: "At any time during the past 24 months, while holding an inactive or expired real estate license, have you conducted professional real estate activity."

1.3 Stevens made the following comment on the question: "Unaware that my license was expired. I immediately withdrew from all license activity once I became aware. Activity included co-listing a property on 8/26/2018 and another on 10/3/2018. I had no dealings with buyers."

1.4 On October 22, 2018, Stevens discovered her license was expired. Once discovered, she removed her name off her listing contracts and stopped all other real estate activity.

1.5 From the time Stevens' license expired on September 1, 2018 to October 22, 2018, a total of 51 days Stevens continued conducting professional real estate activity as if actively licensed.

1.6 On March 31, 2020, the Agency issued a Notice of Intent to Assess a Civil Penalty.

1 CONCLUSION OF LAW

2 By conducting professional real estate activity over the course of 51 days after Stevens'  
3 license expired and before renewing it, Stevens violated ORS 696.020(2) and is subject to  
4 discipline or civil penalty pursuant to ORS 696.990(4) and (9).

5 STIPULATION & WAIVER

6 I have read and reviewed the above findings of fact and conclusions of law which have  
7 been submitted to me by the Agency and further, the order which follows hereafter. I  
8 understand that the findings of fact, conclusions of law and this stipulation and waiver embody  
9 the full and complete agreement and stipulation between the Agency and me. I further  
10 understand that if I do not agree with this stipulation I have the right to request a hearing on  
11 this matter and to be represented by legal counsel at such a hearing. Hearings are conducted  
12 in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the  
13 Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. I  
14 freely and voluntarily waive my rights to a hearing, to representation by legal counsel at such a  
15 hearing, and to judicial review of this matter.

16 I hereby agree and stipulate to the above findings of fact and conclusions of law and  
17 understand that the order which follows hereafter may be completed and signed by the Real  
18 Estate Commissioner or may be rejected by the Real Estate Commissioner. I understand that,  
19 in accordance with the provisions of ORS 696.445(3), notice of this order shall be published in  
20 the Oregon Real Estate News Journal.

21 I agree once the Commissioner executes this stipulated order, I will accept service of  
22 the final order by email, and hereby waive the right to challenge the validity of service.

23 ORDER

24 IT IS HEREBY ORDERED that pursuant to ORS 696.990(1) to (9) and based upon the  
25 violation set forth above, Stevens pay a civil penalty in the sum of \$ 100.00, said penalty to be  
26 paid to the General Fund of the State Treasury by paying the same to the Agency. The civil  
27 penalty is computed in accordance with ORS 696.990(4) and (9) in that each 30-day period of  
28 unlicensed activity is considered one violation. In this instance, there was one (1) 30-day  
29 period of unlicensed activity.

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IT IS FURTHER ORDERED that the Notice of Intent issued to Stevens on March 31, 2020, is hereby withdrawn.

IT IS SO STIPULATED:

IT IS SO ORDERED:

*Debra Lea Stevens* dotloop verified  
04/21/20 1:52 PM PDT  
6ADH-0FUP-VICJ-U70A

Steven Strode Digitally signed by Steven Strode  
Date: 2020.04.22 08:14:41 -07'00'

DEBRA LEA STEVENS

STEVEN STRODE

Real Estate Commissioner

Date 04/21/2020

Date 4/22/20

Date of Service: 4/22/20

**Report to the Real Estate Board  
Land Development Division  
1 June 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

The transition from a paper filing system to digital is proceeding. Current filings are down slightly from the same time last year, but we are still receiving filings, and word from developer's attorneys is that buyers are out there and ready to purchase, which points toward sustained development. The county offices that are involved with review/approval of condominiums have also reopened, so at this time it appears development can move forward unhindered. Given that Oregon is still underbuilt, I expect the filing volume to remain relatively stable.

Legislation and Rule

The agency is not working on any legislative concepts for the upcoming Session and is not engaged in rulemaking at this time.

**REAL ESTATE BOARD  
EDUCATION & LICENSING DIVISION REPORT  
June 1, 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.

+

Impacts of COVID-19 on Educators/Licensees/Applicants

- Classroom educators have been granted permission to offer live classroom instruction via Zoom (or similar platforms).
- All licensees due for renewal are required to complete and pay their online license renewal.
- The Agency is providing 30 day extensions, for actively renewing licensees, to provide their certified continuing education class information.
- PSI resumed both testing and fingerprinting services at the end of May. In addition, they've implemented precautionary [protocols](#) to ensure the safest experience possible for both candidates and PSI staff.

Licensing Update

New application types- The amount of new applications received for the month of April 2020 decreased by 12% (from March '20 to April '20). However, when compared to April of 2019 the decrease in the amount of new applications for April 2020 was about 11%.

License renewals- For both March and April, 86% of licensees renewed their licenses. This percentage is consistent with the number that renewed in 2019.

Phones

The amount of calls decreased from March to April by 19%.

Upcoming

Escrow renewals are due during the month of June. Currently there are currently 67 active escrow organizations and, as of 5/21/2020, only 28 organizations are currently eligible to renew.

Pre-licensing Educator Provider (PEP)- The PEP's certification is due for renewal during the month of June. Currently there are 30 active providers and they will all be eligible to renew.

Real Estate Marketing Organization (REMO)- The REMO credentials are due for renewal during the month of June. Currently there are 5 active organizations and they will all be eligible to renew.

RBN Renewal

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Eligible to Renew</b>	420	343	366	346								
<b>Failed to Renew</b>	14	11	20	10								
<b>% Renewed</b>	97%	97%	95%	97%								

Licensing Statistics

*Total Licensee Counts by Month:*

<b>Individuals (Persons)</b>	<b>Mar-20</b>	<b>Apr-20</b>
<b>Broker – Total</b>	<b>16,482</b>	<b>16,432</b>
Active	14,610	14,580
Inactive	1,872	1,852
<b>Principal Broker - Total</b>	<b>6,420</b>	<b>6,399</b>
Active	6,033	5,995
Inactive	387	404
<b>ALL BROKERS Total</b>	<b>22,902</b>	<b>22,831</b>
Active	20,643	20,575
Inactive	2,259	2,256
<b>Property Manager - Total</b>	<b>940</b>	<b>935</b>
Active	818	808
Inactive	122	127
<b>MCC Salesperson</b>	<b>18</b>	<b>18</b>
<b>MCC Broker</b>	<b>1</b>	<b>1</b>
<b>TOTAL INDIVIDUALS</b>	<b>23,861</b>	<b>23,785</b>
Active	21,480	21,402
Inactive	2,381	2,383
<b>Facilities (Companies)</b>		
REMO	5	5
Registered Business Name (RBN)	3,843	3,842
Registered Branch Office (RBO)	760	758
Escrow Organization	66	66
Escrow Branch	145	145
PBLN	NA	NA
PMLN	NA	NA
CEP	308	309
MCC Operator	25	25
<b>TOTAL FACILITIES</b>	<b>5,152</b>	<b>5,150</b>
<b>TOTAL INDIVIDUALS &amp; FACILITIES</b>	<b>29,013</b>	<b>28,935</b>

*New Licenses by Month:*

<b>Individuals (Persons)</b>	<b>Mar-20</b>	<b>Apr-20</b>
Broker	144	67
Principal Broker	8	5
<b>TOTAL BROKERS</b>	<b>152</b>	<b>72</b>
Property Manager	7	2
MCC Salesperson	0	0
MCC Broker	0	0
<b>TOTAL INDIVIDUALS</b>	<b>159</b>	<b>74</b>
<b>Facilities (Companies)</b>		
Continuing Education Provider (CEP)	2	2
REMO	0	0
Registered Business Name	21	29
Registered Branch Office	9	8
Escrow Organization	2	0
Escrow Branch	0	0
MCC Operator	0	0
<b>TOTAL FACILITIES</b>	<b>32</b>	<b>37</b>
<b>TOTAL INDIVIDUALS &amp; FACILITIES</b>	<b>191</b>	<b>111</b>

Exam Statistics

*April 2020*

Total

*ALL LICENSING EXAMS*

Broker	42
Property Manager	0
Principal Broker	3
Reactivation	0

Pass Rates

<i><u>First Time Pass Rate</u></i> <i><u>Percentage</u></i>	<i><u>2016</u></i>	<i><u>2017</u></i>	<i><u>2018</u></i>	<i><u>2019</u></i>	<i><u>2020</u></i>
Broker State	64	61	58	57	55
Broker National	74	73	72	70	70
Principal Broker State	59	58	59	51	64
Principal Broker National	75	76	77	69	76
Property Manager	64	69	67	64	49







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

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

<b>Renewed &amp; Lapsed Licenses</b>														
<b>Brokers</b>		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>On Time</b>	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
<b>Late</b>	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
<b>Lapse</b>		79	103	102	96	102	87	99	116	103	105	78	99	1169
<b>Total</b>		586	581	656	608	705	688	741	699	766	687	597	664	7978

<b>Principal Brokers</b>		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>On Time</b>	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
<b>Late</b>	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
<b>Lapse</b>		29	28	28	20	33	24	27	23	24	21	23	20	300
<b>Total</b>		271	234	256	259	261	287	305	303	290	264	248	284	3262



**Oregon Real Estate Agency**  
**Education & Licensing Division**  
**Phone Counts**

<b>(minutes: seconds)</b>	<b>Jan – 20</b>	<b>Feb – 20</b>	<b>Mar – 20</b>	<b>Apr – 20</b>	<b>May-20</b>	<b>Jun-20</b>	<b>Jul-20</b>	<b>Aug-20</b>	<b>Sep-20</b>	<b>Oct-20</b>	<b>Nov--20</b>	<b>Dec-20</b>	<b>2020 Average</b>
Call Count	2117	1834	1830	1474									1813.75
Average Wait Time	:25	:21	:19	:23									:22
Maximum Wait Time	0:11:05	0:09:30	0:14:56	0:10:15									0:11:27

<b>(minutes: seconds)</b>	<b>Jan – 19</b>	<b>Feb – 19</b>	<b>Mar – 19</b>	<b>Apr – 19</b>	<b>May-19</b>	<b>Jun-19</b>	<b>Jul-19</b>	<b>Aug-19</b>	<b>Sep-19</b>	<b>Oct-19</b>	<b>Nov--19</b>	<b>Dec-19</b>	<b>2019 Average</b>
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

<b>(minutes: seconds)</b>	<b>Jan – 18</b>	<b>Feb – 18</b>	<b>Mar – 18</b>	<b>Apr – 18</b>	<b>May-18</b>	<b>Jun-18</b>	<b>Jul-18</b>	<b>Aug-18</b>	<b>Sep-18</b>	<b>Oct-18</b>	<b>Nov--18</b>	<b>Dec-18</b>	<b>2018 Average</b>
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