



# 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

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www.oregon.gov/rea

### Notice of Agenda

## OREGON REAL ESTATE BOARD

### Zoom Videoconference

December 6, 2021

#### I. BOARD BUSINESS – Vice-Chair Ihnat

- A. Call to Order
- B. Chair MacLean comments/Roll Call
- C. Approval of the Agenda and Order of Business
- D. Approval of 10.04.21, regular meeting minutes
- E. Date of the Next Meeting: 02.07.22 to begin at 10am at Oregon Real Estate Agency, 530 Center St. NE, Suite 100, Salem, OR 97301

#### II. PUBLIC COMMENT – Vice-Chair Ihnat

- 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 – Vice-Chair Ihnat. Waiver request log. None

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

- A. Northwest School of Real Estate, Paul Frink to appear
- B. Rogue Inspection Services, Sara Derek to appear

#### V. BOARD ADVICE/ACTION – Commissioner Strode.

- A. 2022 Board Chair and Vice Chair elections
- B. 2022 Board meeting schedule
  - February 7, Salem
  - April 4, TBD
  - June 6, TBD
  - August 1, TBD
  - October 3, TBD
  - December 5, TBD
- C. Agency's statutory interpretation of ORS 696.425 Powers and duties of board; expenses (carried over from 10.4.21 board meeting)

#### VI. NEW BUSINESS – Commissioner Strode. None.

#### VII. COMMUNICATIONS – ADMINISTRATIVE ACTIONS SUMMARY – Vice-Chair Ihnat

#### VIII. REPORTS – Vice-Chair Ihnat. None.

- A. Agency Division Reports - Refer to written division reports included in board packet as follows:
  1. Regulations Division (page 55), Elli Kataura
  2. Land Development (page 56), Michael Hanifin
  3. Administrative Services Division (pages 57 & 58), Mesheal Heyman
  4. Education and Licensing Division (pages 59-66), Maddy Alvarado

#### IX. ANNOUNCEMENTS – Vice-Chair Ihnat. Next board meeting: 02.07.22 to begin at 10am at Oregon Real Estate Agency, 530 Center St. NE, Suite 100, Salem, OR 97301.

#### X. ADJOURNMENT – Vice-Chair Ihnat

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



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### OREGON REAL ESTATE BOARD

#### Regular Meeting Minutes – via Zoom

Oregon Real Estate Agency  
Salem, OR 97301

Monday, October 4, 2021

**BOARD MEMBERS PRESENT:** Marie Due  
Debra Gisriel  
Susan Glen  
Dave Hamilton  
Kim Hedding  
Lawnae Hunter  
Pat Ihnat, Vice Chair  
Alex MacLean, Chair

**BOARD MEMBERS ABSENT:** Jose Gonzalez

**OREA STAFF PRESENT:** Steve Strode, Commissioner  
Anna Higley, Deputy Commissioner  
Mesheal Heyman, Administrative Services Division Manager  
Maddy Alvarado, Customer Service Manager  
Elli Kataura, Regulations Division Manager  
Leandra Hagedorn, Board Liaison

**GUESTS PRESENT:** Barbara Geyer, Barbara Geyer Real Estate  
LaTasha Beal, KW Sunset Corridor Keller Williams  
Robert Butler, Butler Brokers Inc.  
Mark Wheeler, Roots Realty

**I. BOARD BUSINESS – Chair MacLean**

- A. Call to Order. Chair MacLean called the meeting to order at 10am.
- B. Chair MacLean comments/Roll Call. Chair MacLean explains the role/function of the board and asked board liaison to conduct roll call and board members to introduce themselves.
- C. Approval of the Agenda and Order of Business.
- D. Approval of 08.02.21 regular meeting minutes.

**MOTION TO APPROVE 08.02.21 REGULAR MEETING MINUTES BY DAVE HAMILTON  
SECOND BY PAT IHNAT  
MOTION CARRIED BY UNANIMOUS VOTE**

- E. Date of the Next Meeting: 12.06.21, to begin at 10am and will be held via Zoom video conference.

**II. PUBLIC COMMENT – Chair MacLean. None.** Robert Butler addressed the board regarding ORS 696.425 – Powers and duties of board; expenses and Commissioner Strode responded that the Agency would provide a statutory interpretation of ORS 696.425 at the 12.6.21 board meeting.

- 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 MacLean. Log. None.**

**IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER - CHAIR MACLEAN. Approval of petition log.**

- A. Northwest School of Real Estate, Paul Frink to appear. Continued to the 12.6.21 board meeting.
- B. Lawrence Belland. No appearance

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

**VI. NEW BUSINESS - Commissioner Strode. None.**

**VII. COMMUNICATIONS - ADMINISTRATIVE ACTIONS SUMMARY - Chair MacLean**

**VIII. REPORTS – Chair MacLean.**

- A. Commissioner Strode attended the following stakeholder meetings/classes:
- Oregon Realtors hybrid Fall conference
  - Business Issues Key Committee
  - Professional Standards Committee
  - Portland Metropolitan Association of Realtors ® (PMAR)
- Agency workgroup to be developed to review commission sharing, license recognition/reciprocity, and Agency disclosure pamphlet
- B. Agency division reports - Deputy Commissioner Higley
1. Regulations, Elli Kataura
    - Summary of statistics and information provided in written report
    - Staff activity:
      - Various external training courses in the upcoming months
  2. Land Development Division, Michael Hanifin. Deputy Commissioner Higley asked board to refer to the Land Development written report on pg. 71 of the board packet for complete report in Mr. Hanifin’s absence.
  3. Administrative Services Division, Mesheal Heyman
    - Summary of statistics and information provided in written report
    - Budget update
    - OREN-J has transitioned to an e-version available on the Agency website
  4. Education and Licensing, Maddy Alvarado
    - Summary of statistics and information provided in written report
    - Oregon Real Estate Agency Advertising Update and General Overview Class continues to be presented to various organizations with positive feedback.

**IX. ANNOUNCEMENTS – Chair MacLean.** Next board meeting: 12.06.21 to begin at 10am and will be held via Zoom video conference.

**X. ADJOURNMENT – Chair MacLean**

Respectfully submitted,

STEVE STRODE, COMMISSIONER

Respectfully submitted,

ALEX MACLEAN, BOARD CHAIR

**OREGON REAL ESTATE BOARD - CEP LOG (2016-2021)**

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 SECOND BY LAWNAE HUNTER 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 SECOND BY LAWNAE HUNTER 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	APPROVED	Ashley Stefan appeared by phone. Pat Ihnat commented on Old Republic Title Company being a sister company in Portland Metro area. Dave Koch asked since it is an exchange company would classes be exchange-related. Ihnat asked who the instructor is, if they are an employee of the exchange company, and if classes would be live. Susan Glen asked about other classes and if they would offer classes besides 1031 exchange courses. <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	APPROVED	<p>Mr. Peschka appeared by phone and explained the course he provides covers the Property Management and Environmental Protection, which are acceptable course topics. Chair Hunter asked Mr. Peschka if he was familiar with the recordkeeping rules required for a continuing education provider and he responded that he was familiar. Mr. Hamilton asked Mr. Peschka if his class audience would be primarily commercial industry members and Mr. Peschka responded that residential side would eventually be included. Ms. Glen asked Mr. Peschka if he was marketing HOAs and he responded that he intends to in the future.</p> <p><b>MOTION TO APPROVE COLUMBIA DRAIN COMPANY'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE HAMILTON</b>  <b>SECOND BY PAT IHNAT</b>  <b>MOTION CARRIED BY UNANIMOUS VOTE</b></p>
08.03.20	Evergreen Capital	APPROVED	<p>Evergreen Capital, Trevor Calton to appear. Mr. Calton explained that in 2012 the board approved his petition to qualify as a continuing education provider under a different company and was familiar with the rules/laws relating to continuing education providers. He also stated the topics he provides through his course are Real Estate Finance and Commercial Real Estate, which are acceptable course topics.</p> <p><b>MOTION TO APPROVE EVERGREEN CAPITAL'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></p>
08.02.21	Real Estate and Property Management LLC	APPROVED	<p>Real Estate and Property Management Education LLC (DBA RPM Education LLC), Christian Bryant appearing. Mr. Bryant explained his background/experience and basis for his petition he also stated that he was familiar with the record keeping requirements for CEPs and offers the following acceptable course topics in his classes: FAIR Housing, Property Management Eviction Law, Laws and best practices when selling a rental unit, habitability standards/laws, record keeping, supervision responsibilities, Clients' trust accounts, Agency relationships, Advertising and RE Disclosures.</p> <p><b>MOTION TO APPROVE RPM'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY PAT IHNAT</b>  <b>SECOND BY LAWNAE HUNTER</b>  <b>MOTION CARRIED BY UNANIMOUS VOTE</b></p>
10.04.21	Northwest School of Real Estate Paul Frink		Cont'd to 12.06.21
10.04.21	Lawrence Belland		No appearance
12.06.21	Northwest School of Real Estate Paul Frink		
12.06.21	Rogue Inspection Services, Sara Derek		



**PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER**

Rev. 11/2019

**AGENDA ITEM NO. IV. A.**

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@oregon.gov](mailto:madeline.c.alvarado@oregon.gov) 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.
- ▶ Please do not submit any class or course information as the Oregon Real Estate Agency Board is not able to review or consider this information.

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

**PETITIONER**

Name Northwest School of Real Estate Phone Number 253-946-4000

Physical Address 622 S 320th St #A Address Cont. \_\_\_\_\_

City Federal Way State WA Zip Code 98023 County King

E-mail paulfrink@bhhsnwre.com

Mailing Address (if different) same Address Cont. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ County \_\_\_\_\_

**AUTHORIZED CONTACT PERSON**

Prefix Mr. \_\_\_\_\_ First Name Paul Last Name Frink

Phone Number 206-200-1984 E-mail paulfrink@bhhsnwre.com

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

**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.

The Northwest School of Real Estate has been around for over 20 years providing real estate courses, many clock hour approved and many not, in the State of Washington. We currently have over 12 classes in our continuing education portfolio and over 20 others. As the Administrator, I have been in Real Estate for over 17 years and a Managing Broker for over 14. This meets the requirement for being an Instructor as per OAR 863-020-0050. My current position is Director of Career Development with Berkshire Hathaway HomeServices with over 30 offices in Oregon and Washington. I am currently an Instructor with Berkshire Hathaway HomeServices Real Estate Professionals CEP# 000001010. This office is one of our company offices. Our goal is to have a school that easily services both states with great content that also provides continuing education credit. Some of our current classes include: Forms, DISC, Comparative Market Analysis, Agency, Best Practices, New Agent Introduction, etc. Some of our classes wont qualify for Continuing Education Credits under OAR 863-020-0035 and we understand that. Once approved we will be able to create more content that is acceptable and give real estate brokers another choice for the CE credits.

With our schools many years of experience, we have all the systems and tools necessary to meet all record keeping and administrative requirements under OAR 863-020-0050 and OAR 863-020-0055.

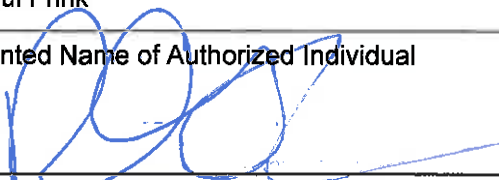
We are very passionate about helping Real Estate Brokers succeed. The training we provide will be top notch and relevant in every way possible.

**PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued**

<b>AUTHORIZATION AND ATTESTATION</b>
<ul style="list-style-type: none"> <li>▶ 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.</li> <li>▶ I certify that petitioner, or authorized individual on petitioner's behalf, has read, understands and is ready to comply with the statutory and administrative rule provisions applicable to certified continuing education providers.</li> <li>▶ I attest that petitioner knows and understands the responsibilities of a certified continuing education provider under OAR 863-020-0050.</li> <li>▶ 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.</li> </ul>

<b>I UNDERSTAND:</b>			
	Initials	Date Completed	Agency Use Only
I will complete the Continuing Education Provider Application and will pay the \$300 fee upon Board approval.	PF	Aug 17, 2021	
I understand the requirements of an education provider as outlined in Oregon Administrative Rules (OAR) Chapter 863, Division 20.	PF	Aug 17, 2021	
Petitioner has demonstrated their experience and expertise in two or more course topics eligible for continuing education credit as listed in OAR 863-020-0035.	PF	Aug 17, 2021	
Petitioner has demonstrated their experience in providing educational courses to real estate licensees.	PF	Aug 17, 2021	

Paul Frink  
 \_\_\_\_\_  
 Printed Name of Authorized Individual

  
 \_\_\_\_\_  
 Signature of Authorized Individual

Date: August 17, 2021  
 \_\_\_\_\_

## **IMPORTANT - PLEASE READ**

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

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

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

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



# PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER

Rev. 11/2019

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

## INSTRUCTIONS

To petition the 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@oregon.gov](mailto:madeline.c.alvarado@oregon.gov) 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.
- ▶ Please do not submit any class or course information as the Oregon Real Estate Agency Board is not able to review or consider this information.

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

## PETITIONER

Name Rogue Inspection Services Phone Number 541-507-7674

Physical Address 305A Shafer Ln Address Cont. \_\_\_\_\_

City Jacksonville State OR  Zip Code 97530 County Jackson

E-mail sara@rogueinspection.com

Mailing Address (if different) \_\_\_\_\_ Address Cont. \_\_\_\_\_

City \_\_\_\_\_ State  Zip Code \_\_\_\_\_ County \_\_\_\_\_

## AUTHORIZED CONTACT PERSON

Prefix  First Name Sara Last Name Derek

Phone Number 541-507-7674 E-mail sara@rogueinspection.com

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

### AGENCY USE ONLY

Approved by Board YES NO

Review Date \_\_\_\_\_



**PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued**

**AUTHORIZATION AND ATTESTATION**

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

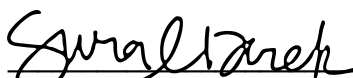
**I UNDERSTAND:**

	<b>Initials</b>	<b>Date Completed</b>	<b>Agency Use Only</b>
I will complete the Continuing Education Provider Application and will pay the \$300 fee upon Board approval.	SD		
I understand the requirements of an education provider as outlined in Oregon Administrative Rules (OAR) Chapter 863, Division 20.	SD		
Petitioner has demonstrated their experience and expertise in two or more course topics eligible for continuing education credit as listed in OAR 863-020-0035.	SD		
Petitioner has demonstrated their experience in providing educational courses to real estate licensees.	SD		

SARA DEREK

Date: 11/8/21

Printed Name of Authorized Individual



Signature of Authorized Individual



## Agency's Response to Robert Butler's 10/4/2021 Public Comment

At the Oregon Real Estate Board's general meeting on October 4, 2021, Robert Butler addressed Board members during the Public Comment period. He explained an arrangement he has seen between escrow companies, realtors, and the Agency that he believes allows the paying of compensation to unlicensed individuals. Specifically, he described a scenario where a buyer's agent wants to pay an unlicensed buyer for the buyer's effort in finding a property. The buyer's agent proposes cutting their commission and giving that amount to the buyer. Mr. Butler sees this as a clear violation of ORS 696.290.

Mr. Butler stated that the Agency has a different opinion than he does. When he took his concerns to the Agency earlier in the year, he says was told the Agency has no authority to interfere, observe, or monitor situations where, if all parties, agents, and the lender agree, the escrow agent deducts commission from the buyer's agent and gives it to the buyer.

He asked the Board to look into this issue and consider if this is a practice that should continue. He believes it creates a situation where brokers are competing with buyers. It costs money and harms the industry. As an example, Mr. Butler had a buyer demand that Mr. Butler reduce his commission by \$17,000.

### Previous interactions with the Agency

Previously, Mr. Butler's communicated with the Agency via email and regular mail about similar issues:

- He asked if ORS 696.290 permits a buyer to negotiate a price reduction where the earnest money amendment reduces the commission of the buyer's broker and reduces the sales price by the same amount.
- He presented scenarios where a buyer's agent reduces their commission to the benefit of the buyer and asking if there would be restrictions based in law on the conduct of the buyer's agent, the seller's agent, the escrow company, and the seller.
- He suggested that the principal broker, buyer's agent, and buyer are individually violating ORS 696.290 when a commission is reduced and it benefits the buyer.
- He requested that the Agency create procedures to monitor and control the alleged violations.

In his communications with the Agency, Mr. Butler cited ORS 696.290(1) and ORS 696.301(14) to support his determination that there is a statutory violation when a buyer's broker reduces commission and the seller reduces the sales price by, or credits the buyer with, the equivalent amount.

Oregon Revised Statutes (ORS) 696.290(1) states:

(a) Except as provided in paragraph (b) of this subsection, a real estate licensee may not offer, promise, allow, give, pay or rebate, directly or indirectly, any part or share of the licensee's compensation arising or accruing from any real estate transaction or pay a finder's fee to any person who is not a real estate licensee licensed under ORS 696.022, including a nonlicensed individual described in ORS 696.030.

(b) A principal real estate broker may pay a finder's fee or a share of the real estate licensee's compensation on a cooperative sale when the payment is made to a licensed real estate broker in another state or country, provided that:

(A) The state or country in which the nonresident real estate broker is licensed has a law permitting real estate brokers to cooperate with principal real estate brokers in this state; and  
(B) The nonresident real estate broker does not conduct in this state any acts constituting professional real estate activity and for which compensation is paid. If a country does not license real estate brokers, the payee must be a citizen or resident of the country and represent that the payee is in the business of real estate brokerage in the other country.

ORS 696.301 states:

Subject to ORS 696.396, the Real Estate Commissioner may suspend or revoke the real estate license of any real estate licensee, reprimand any real estate licensee or deny the issuance or renewal of a license to an applicant who has:

...

(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.

The Agency responded to Mr. Butler as follows:

- The amount of commission is determined as part of the negotiation process and, therefore, falls outside the Agency's jurisdiction.
- The Agency does not have the authority to regulate what commission or fee a seller's agent charges a seller or what a buyer's agent may request the seller to pay from that commission in a co-broke transaction.
- ORS 696.290 is limited to a licensee's compensation arising or accruing from a real estate transaction. The compensation/commission is earned at the time of closing.
- If Mr. Butler believes a real estate or escrow licensee has violated ORS 696.290, he can file a complaint with the Agency.

### Agency's response

The Agency's position is that a buyer's agent may set their own fees as long as the buyer's agent follows the "notice of compensation" provisions outlined in ORS 696.582. The scenario Mr. Butler presented is one where the buyer's agent requested a commission split that differed from the offer of compensation on the multiple listing service (MLS). Since these MLS compensation policies fall outside of the Agency's regulatory authority, we recommend that Mr. Butler contacts his local MLS for guidance.

An escrow agent is a neutral third party who is required to close escrow per the written escrow instructions agreed upon by the principals to the transaction.

Additionally, the Agency does not have the resources to monitor, control, and prevent all possible violations, so it relies on the complaint process to report violations.

ADMINISTRATIVE ACTIONS for OREA Board  
9/17/2021 through 11/17/2021  
(corresponding orders are attached)

**REVOCATIONS**

Motter, Shannon M. (Hillsboro), Principal Broker 200002158, Final Order by Default dated September 29, 2021, issuing a revocation.

**SUSPENSIONS**

Hyland, Leah Marie, (Eugene), Broker, 200706042, Stipulated Final Order dated October 28, 2021, issuing a 60 day suspension.

**REPRIMANDS**

None

**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

**UNLICENSED ACTIVITY**

Buckley, Lisa Marie (Klamath Falls), Unlicensed, Stipulated Final Order dated September 28, 2021, issuing a \$500.00 civil penalty.

Reynolds, Autumn Marie (Oregon City), Unlicensed, Stipulated Final Order dated November 2, 2021, issuing a \$3,500.00 civil penalty.



known address of record with OREA. (ORS 183.415(2); OAR 137-003-0505; OAR 863-001-0006. If correctly addressed, such a notice is effective even though it is not received by the person to be notified. *Stroh v. SAIF*, 261 OR 117, 492 P2d 472 (1972) (footnote 3 in this case misquotes the cited treatise and contradicts the text of the opinion; treatise and cited case law support the proposition stated in the text.) Also, notice is effective even though the addressee fails or refuses to respond to a postal service “mail arrival notice” that indicates that certified or registered mail is being held at the post office. See *State v. DeMello*, 300 Or App 590, 716 P2d 732 (1986) (discussing use of certified mail to effectuate notice of driver’s license suspension under ORS 482.570). See also *El Rio Nilo, LLC v. OLCC*, 240 Or App 362, 246 P3d 508 (2011) (Notice by certified mail effective even though addressee did not pick up in time to file request for hearing timely).(Oregon Attorney General’s Administrative Law Manual and Uniform Model Rules Of Procedure Under the Administrative Procedures 2019 Edition at pages 97-98.

2.2 Motter’s last known address of record with the Agency was 5635 NE Elam Young Pkwy Ste 304, Hillsboro, OR 97124-6488.

2.3 A certified mailing of the *Notice of Intent* was mailed to Motter at her last known address of record on August 31, 2021. The certified mailing of the notice has not been returned to the Agency.

2.4 The notice was mailed certified to another possible address for Motter at 16116 NW Paisley Dr., Beaverton, OR 97006. This certified mailing has not been returned to the Agency.

2.5 The notice was also mailed regular first class mail to both of the above possible addresses for Motter. The first class mailings have not been returned to the Agency. The OAH Rules contain a rebuttable presumption that documents sent by regular mail are received by the addressee. ORS 137-003-0520(10). If the regularly mailed notice is actually received, it is effective on the date received, rather than the date of mailing.

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

2.7 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.

2.8 As noted in section 9 of the *Notice of Intent to Revoke* and section 2.1 above, the Agency's entire investigation file was designated as the record for purposes of presenting a prima facie case upon default, including submissions from Motter and all information in the administrative file relating to the mailing of notices and any responses received.

### **FINDINGS OF FACT**

#### 3.

#### **2019 MAIL IN CLIENTS' TRUST ACCOUNT REVIEW**

3.1 Motter has been a licensed principal broker since April 17, 2000. She is the sole owner of Precise Property Management Services (PPM) and manages approximately 120 properties. She is also responsible for PPM's advertising and accounting.

3.2 PPM is currently registered with the Oregon Secretary of State but the website evidences that it has not completed the renewal due on June 29, 2021.

3.3 On or about September 3, 2019, OREA sent an Initial CTA Review email to Motter for Client Trust Account ending in #7881 (CTA).

3.4 On or about October 3, 2019, Motter sent OREA a January 2019 Trust Account Reconciliation form for CTA, which included a breakdown of some deposits and some checks written on the account. She also provided a Wells Fargo bank statement for CTA.

3.5 On or about November 13, 2019, OREA requested Motter provide corrections to the trust account reconciliation she provided on October 3<sup>rd</sup> because the numbers did not add up and there was missing information. OREA also requested she provide an owner's ledger, a check register that detailed transactions, and detailed deposit information. Between November 13 and December 19, 2019, Motter requested, and obtained, three extensions, based on alleged complications from pneumonia and hospitalization, to provide the requested

information on the CTA. On or about December 19, 2019, Motter sent OREA a purportedly corrected and balanced January 2019 Trust Account Reconciliation form for the CTA. However, OREA was unable to link most of the deposits and disbursements listed on the receipts and disbursement journal to entries on the actual bank statement. Motter also failed to provide page 5 of the January 2019 Wells Fargo CTA statement. On or about February 21, 2020, OREA began investigating Motter's accounting practices.

### **OREA'S RESULTING INVESTIGATION**

3.6 PPM was first registered with the Secretary of State on June 29, 2011. Agency records evidence that the account was inactive from June 20, 2013 to May 5, 2015 for failure to renew. The account was inactive again from August 22, 2019 to January 25, 2021 for failure to renew. We note that at time of issuance of the *Notice of Intent*, and still at the time of issuance of this *Final Order By Default*, the Secretary of State website states that renewal was due on June 29, 2021 and has yet to be completed.

3.7 Motter reported to OREA that she opened two trust accounts for PPM operations on September 2, 2011: (1) CTA; and (2) Client Trust Account – Security Deposit account number ending in 7873 (CTA-SD).

3.8 On January 26, 2021, OREA emailed Motter requesting her most recent 3-way reconciliation for both CTA and CTA-SD.

3.9 On February 2, 2021, Motter emailed stating she was suffering with “long-haul symptoms” of COVID-19 and needed a deadline extension. The deadline to provide reconciliation documentation was extended to 5:00 pm on February 5, 2021.

3.10 On February 5, 2021, Motter emailed the Agency stating that she had just been released from the hospital and would not have the requested documents to the Agency by 5:00 pm but would have them to the Agency some time that day.

3.11 Three days later, on February 8, 2021, Motter produced December 2020 Trust Account Reconciliation forms for both CTA and CTA-SD. However, Parts II and III of the CTA form were blank. Additionally, Motter had omitted page 5 of the December 2020 Wells Fargo CTA bank statement and failed to submit a check register. The Agency was unable to complete its evaluation of the accuracy of Motter's accounts at that time.

### ACCOUNT CTA RECONCILIATION

3.12 The Wells Fargo CTA bank statements Motter submitted to OREA on December 19, 2019, showed an ending daily balance on January 31, 2019, of \$18,141.17. On February 1, 2019, there were deposits of \$708 and \$1,195 and a withdrawal for a check clearing in the amount of \$325, for a total deposit of \$1,578. Adding \$1,578 to the January 31 ending daily balance of \$18,141.17 should have left February 1<sup>st</sup> with an ending daily balance of \$19,719.17. However, the statement provided by Motter showed the February 1<sup>st</sup> ending daily balance was only \$10,124.17, an unaccounted-for \$9,595 difference.

3.13 On or about February 3, 2021, the Agency placed a call to Wells Fargo, to discuss discrepancies in Motter's CTA bank statements. A Wells Fargo representative reviewed the information with the Agency and confirmed Motter had failed to provide OREA page 5 of the January 2019 statement.

3.14 Motter provided an "Expense Report by Category" showing the \$8,813.63 in management fees she allegedly earned between December 5, 2020, and January 7, 2021. However, the Wells Fargo CTA bank statement she provided for that same period showed five management fee withdrawals totaling \$18,860, which were deposited into Motter's business account ending in #7887. When asked about the discrepancy of \$10,046.37, Motter had no explanation.

3.15 On February 10, 2021, the Agency emailed Motter asking for the missing page 5 for both the January 2019 and December 2020 Wells Fargo CTA statements.

3.16 On February 18, 2021, the Agency had not received page 5 of the CTA bank statements for January 2019 and December 2020. The Agency emailed Motter that OREA intended to issue civil penalties if the missing documents were not received by March 4, 2021. Motter responded alleging she had once again been ill - but she also noted that she had managed to complete her 1099s for reporting to the IRS.

3.17 On May 18, 2021, OREA issued subpoenas to Wells Fargo for statements from accounts CTA and CTA-SD for November 2018 through January 2021. The requested statements were received by OREA on or about July 19, 2021.

3.18 A review of the subpoenaed Wells Fargo bank statements, for CTA #7881, showed transfers from Motter's multiple bank accounts into the CTA #7881. The months in



which those transfers occurred were in February 2019, April 2019, May 2019, September 2019, November 2019 and January 2020. The transfers into the CTA #7881 were from bank accounts that are not registered CTA's with the Agency. These miscellaneous accounts transferring funds into the CTA are identified as "Business checking" #7887, and "Business Market Rate Savings" #9366, "Way2save Savings" #9337 and "Everyday Checking" #1813.

3.19 The subpoenaed January 2019 CTA bank account statement included page 5, which revealed an unreported \$1,595 transfer from CTA to CTA – SD. The statement also revealed transfers of \$5,000 and \$3,000 from the CTA into Motter's business checking account #7887. Motter had deleted the transfers from the bank statement she provided for the CTA review. The undisclosed transfers from the CTA totaled \$9,595, which was the CTA ending daily balance difference for February 1, 2019, as referenced above in paragraph 3.12 above.

3.20 The January 2019 CTA statement also reported ACH Owner Disbursement payments totaling \$156,447.17. However, Motter's check register showed only \$142,960.66 in disbursements, an unaccounted-for difference of \$13,486.51.

3.21 Motter confirmed her management fees were capped at a flat rate of \$105 per property. At 120 properties, Motter's management fees for PPM should have been capped at \$12,600 per month.

3.22 The Agency review of 26 months of Wells Fargo bank statements, for account CTA, showed that deposits into the account averaged \$179,719.27 per month. Transfers from Motter to her business account ending in #7887 averaged \$13,360.94 per month. On average, Motter paid herself \$760.94 per month more than she was entitled to under her monthly fee cap of \$12,600 over that 26-month period.

### **ACCOUNT CTA-SD #7873 RECONCILIATION**

3.23 On or about October 9, 2020, the Agency noted the daily ending balance of CTA-SD #7873 on February 6, 2019, was \$1,531.90, according to the Wells Fargo bank statement supplied by Motter. The Agency was concerned because, in its experience, with 120 properties in management, the account balance should have been far higher.

3.24 On or about January 8, 2021, Motter provided OREA the December 2020 Trust Account Reconciliation for CTA-SD. She reported the reconciled bank balance was \$190,110.17, as of January 7, 2021, which the "Tenant Deposits" document appeared to

confirm. Motter also submitted a December 2020 Wells Fargo statement showing CTA-SD with the same alleged balance. When asked about the large disparity between the account balance on February 6, 2019, of \$1,531.90 and the January 7, 2021, account balance of \$190,110.17, Motter stated she was unsure and would contact the bank.

3.25 On March 16, 2021, the Agency emailed Motter requesting she provide a 3-way reconciliation for the months of January and February 2019 for account CTA-SD #7873 no later than March 23, 2021. On March 23<sup>rd</sup>, Motter had not provided the documentation, and alleged not knowing of the deadline. She subsequently stopped responding to Agency requests for information and has never provided the requested information.

3.26 The subpoenaed Wells Fargo CTA-SD account statement for December 2020 showed a true ending balance of \$2,413.64 as of January 7, 2021, rather than the \$190,110.17 alleged by Motter. She has never accounted for the -\$187,696.53 discrepancy.

3.27 The Agency reviewed 26 months of subpoenaed Wells Fargo bank statements for account CTA-SD. Wells Fargo confirmed the balance of CTA-SD never reached \$190,110.17 and, in fact, never exceeded \$10,593.72. Motter had submitted to OREA altered bank statements for account CTA-SD reflecting the amount that should have been, but was not actually, in the account - the words "Monthly Service Fee Summary," which are included on all Wells Fargo account statements, are missing from the second page of the CTA-SD December 2020 statement provided by Motter.

3.28 The "Tenant Deposits" report dated January 7, 2021, shows the money missing from account CTA-SD 7873 belonged to 89 tenants.

3.29 Because of the seriousness of the above alleged violations, the Real Estate Commissioner, Steve Strode, is simultaneously moving, in circuit court, to file a Motion for Order to Show Cause and Motion for Appointment of a Receiver.

3.30 The agency intends to move forward with this administrative license revocation proceeding regardless of the outcome of the receivership action.

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**STATEMENT OF LAW APPLICABLE TO FINDINGS OF FACT**

4.

4.1 ORS 696.241(2) states a licensed real estate property manager, or a principal real estate broker who engages in the management of rental real estate, shall open and maintain in this state one or more separately federally insured bank accounts that are designated clients' trust accounts under ORS 696.245. A principal real estate broker who engages in the management of rental real estate or a licensed real estate property manager shall deposit in a clients' trust account all trust funds received or handled by the principal real estate broker, licensed real estate property manager or real estate licensees subject to the supervision of the principal real estate broker.

4.2 ORS 696.241(5) states a principal real estate broker or licensed real estate property manager may not commingle any other funds with the trust funds held in a clients' trust account, except for: (a) earned interest on a clients' trust account as provided in subsections (7) and (8) of this section and (b) earned compensation as provided in subsection (9) of this section.

4.3 ORS 696.241(12) states the agency may provide by rule for other records to be maintained and for the manner in which trust funds are deposited, held and disbursed. The rules adopted under this subsection may include requirements for interest or compensation held in a clients' trust account pursuant to subsection (5) of this section to be disbursed from the clients' trust account to a licensed real estate property manager or principal real estate broker.

4.4 ORS 696.280(1) states a licensed real estate property manager or principal real estate broker shall maintain within this state, except as provided in subsection (6) of this section, complete and adequate records of all professional real estate activity conducted by or through the licensed real estate property manager or principal real estate broker. The Real Estate Agency shall specify by rule the records required to establish complete and adequate records of a licensed real estate property manager's or principal real estate broker's professional real estate activity. The only documents the agency may require by rule a licensed real estate property manager or principal real estate broker to use or generate are

documents that are otherwise required by law or voluntarily generated in the course of conducting professional real estate activity.

4.5 ORS 696.301(3) 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

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

4.7 ORS 696.301(14) states a licensee's real estate license can be disciplined if they have 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.

4.8 ORS 696.301(15) states a licensee's real estate license can be discipline if they have engaged in any conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

4.9 ORS 696.890(4)(a),(c),(e),(f) and (g), states: (4) a real estate property manager owes the property owner the following affirmative duties: (a) To deal honestly and in good faith; (c) To exercise reasonable care and diligence; (e) To act in a fiduciary manner in all matters relating to trust funds; (f) To be loyal to the owner by not taking action that is adverse or detrimental to the owner's interest; (g) To disclose in a timely manner to the owner any existing or contemplated conflict of interest.

4.10 OAR 863-014-0095(1) (1-1-20 Effective Date) states before conducting professional real estate activity in any name, the principal broker must first register the name with the Agency using an online application process available through the Agency's website. For the purpose of this rule, "registered business name" means any name used to conduct professional real estate activity, including; the licensee's legal name, an assumed name, or the name of a business entity, such as a corporation, partnership, limited liability company, or

other business entity recognized by law. A licensee must 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.

4.11 OAR 863-025-0028(2)(a)(A)-(B) and (b) (1-1-20 Effective Date) states: (2) a property manager must reconcile each clients' trust account within 30 calendar days of the date of the bank statement pursuant to the requirements contained in this section. (a) The reconciliation must have three components that are contained in a single reconciliation document: (A) the bank statement balance, adjusted for outstanding checks and other reconciling bank items; (B) the balance of the record of receipts and disbursements or the check register as of the date of the bank statement. (b) The balances of each component in section (2)(a) of this rule must be equal to and reconciled with each other. If any adjustment is needed, the adjustment must be clearly identified and explained on the reconciliation document.

4.12 OAR 863-025-0035(1)(b) and (2)(a) (1-1-2018 Effective Date) states: (1) the property manager's records of the management of rental real estate are "complete and adequate" as required under ORS 696.280 if the records contain, at least, the following: (b) Clients' trust account and security deposit account records required by OAR 863-025-0000 to 863-025-0080 and ORS Chapter 696. (2) A property manager must produce records required under section (1) of this rule for inspection by the Agency as follows: (a) When the Agency makes a request for production of property management records, the property manager must provide such records within no less than five banking days.

4.13 OAR 863-025-0035(2)(c) (1-1-2018 Effective Date) states (2) a property manager must produce records required under section (1) of this rule for inspection by the Agency as follows: (c) Failure to produce such records within the timelines stated in subsection (a) or (b) of this section is a violation of ORS 696.301.

4.14 OAR 863-025-0065(6) (1-1-2018 Effective date) states a property manager may not deposit any funds received on behalf of an owner in the property manager's personal account or commingle any such funds received with personal funds of the property manager.

**ULTIMATE FINDINGS OF FACT**

5.

- 5.1 Motter is licensed as a principal real estate broker.
- 5.2 Motter is engaged in property management.
- 5.3 Motter had at least two real estate activity related accounts. A CTA ending in #7881; and a CTA-SD ending in #7873 (CTA-SD).
- 5.4 The Agency initiated a mail in CTA review of the CTA.
- 5.5 The mail in CTA review suggested account discrepancies.
- 5.6 The Agency opened an investigation.
- 5.7 The Agency requested records from Motter for purposes of the CTA review.
- 5.8 Motter provided the December 2020 Trust Account Reconciliation forms for both the CTA and the CTA-SD. Parts II and III of the CTA form were blank.
- 5.9 The December 2020 bank statement provided by Motter was missing page 5.
- 5.10 OREA spoke with Wells Fargo Bank who confirmed the December 2020 bank statement should have had a page 5.
- 5.11 OREA subpoenaed the bank records directly from Wells Fargo Bank.
- 5.12 The Wells Fargo subpoenaed bank statements evidenced that the bank statements produced by Motter had been manipulated before provision to the Agency.
- 5.13 Review of all the records demonstrates that Motter comingled other funds with trust funds held in the clients' trust account.
- 5.14 Motter transferred money that she had not earned, without permission, from the CTA to her business account.
- 5.15 Motter transferred money that she had not earned, without permission, from the CTA-SD to her business account.
- 5.16 Motter failed to timely respond to additional agency requests for records.
- 5.17 Motter stopped responding to the Agency's attempts to communicate with her.
- 5.18 In summary, the facts above establish grounds to revoke Motter's principal real estate broker license.

## CONCLUSIONS OF LAW

### 6.

6.1 Pursuant to ORS 183.417(4) and OAR 137-003-0670 Motter is in default.

6.2 The material facts establish a violation of a ground for discipline, by preponderance of the evidence, under ORS 696.301 as set forth in the *Notice of Intent to Revoke*.

6.3 Based on these violations, the Agency may revoke Motter's principal real estate broker license.

6.4 Specifically, Motter is subject to discipline pursuant to ORS 696.301(3), (12), (14), and (15). A revocation of Motter's principal real estate broker license is appropriate for violations of ORS 696.301(3), (12), (14) and (15), which states in part a 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; (12) demonstrated incompetence or untrustworthiness in performing any act for which the 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; and (15) engaged in any conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

6.5 A revocation of Motter's principal real estate broker license is appropriate under ORS 696.396(2)(c)(A),(B), and (C). According to ORS 696.396(2)(c): the Agency may revoke a real estate license if the material facts establish a violation of a ground for discipline under ORS 696.301 that: (A) Results in significant damage or injury; (B) Exhibits incompetence in the performance of professional real estate activity; or (C) Exhibits dishonesty or fraudulent conduct.

6.6 Based on the evidence in the record, the preponderance of the evidence weighs in favor of the revocation of Motter's principal real estate broker license.

6.7 The Agency may therefore, revoke Motter's principal real estate broker license.

## OPINION

7.

The Agency takes its consumer protection role very seriously. Real estate licensees involved in the management of rental real estate commonly hold owner funds and maintain tenants' security deposits. These funds are required to be held separately in clients' trust accounts, and licensees are not allowed to use clients' trust account funds for personal use. In other words, comingling of client funds with a real estate licensee's own funds is strictly forbidden. Strict accounting requirements are in place by statute and rule to ensure all trust funds are properly maintained and accounted for by the licensee.

Motter's reconciliation documents contained numerous discrepancies demonstrating incompetence and Motter failed to submit page 5 of the January 2019 and December 2020 CTA bank statements to the Agency demonstrating dishonesty and untrustworthiness. After the Agency received the missing pages of bank statements via subpoena it was discovered there were multiple transfers into the clients' trust account from Motter's other accounts. The missing pages also showed transfers from the clients' trust account into Motter's business checking account. Motter had deleted these transfers from the bank statement she provided to the Agency. Further review showed Motter had been paying herself on average \$760.94 per month more in management fees than she was entitled to over a 26-month period, a further demonstration of dishonesty and untrustworthiness.

Regarding tenant security deposits, on her December 2020 reconciliation, Motter reported the reconciled bank balance was \$190,110.17 as of January 7, 2021 and submitted an altered bank statement showing the same alleged balance. The bank statement for December 2020 received via subpoena showed a true ending balance of \$2,413.64 as of January 7, 2021, rather than the \$190,110.17 alleged by Motter. Supporting documentation showed the missing money belonged to 89 tenants.

In summary, Motter's taking of clients' trust funds (consisting of owner funds and tenant security deposits) without permission, and for her own use, constitute clear and egregious violations of law. Additionally, Motter provided altered documents to the Agency in an attempt to conceal her misuse of trust funds again demonstrating dishonesty and untrustworthiness which also supports the revocation of Motter's principal real estate broker license. In addition



to these most egregious of violations, many other violations were set forth in the Notice of Intent and are repeated herein to emphasize how far below the standard of care for the practice of professional real estate her conduct ultimately fell:

1. Pursuant to ORS 696.301(3) and OAR 863-014-0095(1) (01-01-20 Effective Date) Motter failed to maintain the registered business name in active status with the Oregon Secretary of State's Corporation Division.
2. Pursuant to ORS 696.241(2) and (12), ORS 696.280(1), ORS 696.301(3), and OAR 863-025-0028(2)(a)(A)-(B) and (b) (01-01-20 Effective Date) Motter failed to reconcile the CTA so that each component was equal to and reconciled with each other. And she also failed to make the needed adjustments and failed to clearly identify and explain the needed adjustments on the reconciliation document.
3. Pursuant to ORS 696.280(1), ORS 696.301(3) and (12) and OAR 863-025-0035(1)(b) and (2)(a) (01-01-2018 Effective Date) Motter demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license.
4. Pursuant to ORS 696.280(1), ORS 696.301(3) and (12) and OAR 863-025-0035(1)(b) and (2)(a) (01-01-2018 Effective Date) Motter demonstrated incompetence or untrustworthiness in performing an act for which the real estate licensee is required to hold a license.
5. Pursuant to ORS 696.280(1), ORS 696.301(3) and OAR 863-025-0035(1)(b) and (2)(a) and (c) (01-01-2018 Effective Date), Motter failed to produce records requested by the Agency within five banking days.
6. Pursuant to ORS 696.241(5) (2019 Edition); OAR 863-025-0065(6) (01-01-2018 Effective Date) and ORS 696.301(3) a principal real estate broker or licensed real estate property manager may not commingle any other funds with trust funds held in a clients' trust account, except for (a) earned interest and (b) earned compensation.
7. Pursuant to ORS 696.280(1), ORS 696.301(3) and (12) and OAR 863-025-0035(1)(b) and (2)(a) (01-01-2018 Effective Date) Motter demonstrated incompetence or untrustworthiness in performing an act for which the real estate licensee is required to hold a license.

8. Pursuant to ORS 696.280(1), ORS 696.301(3) and (14) and OAR 863-025-0035(1)(b) and (2)(a) (01-01-2018 Effective Date) Motter 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. Pursuant to ORS 696.280(1), ORS 696.301(3) and (15) and OAR 863-025-0035(1)(b) and (2)(a) (01-01-2018 Effective Date) Motter engaged in conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.
10. Pursuant to ORS 696.280(1), ORS 696.301(3) and (12) and OAR 863-025-0035(1)(b) and (2)(a) (01-01-2018 Effective Date) Motter demonstrated incompetence or untrustworthiness in performing an act for which the real estate licensee is required to hold a license.
11. Pursuant to ORS 696.280(1), ORS 696.301(3) and (14) and OAR 863-025-0035(1)(b) and (2)(a) (01-01-2018 Effective Date) Motter 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.
12. Pursuant to ORS 696.890(4) and ORS 696.301(3) Motter failed to uphold her affirmative duties to (a) deal honestly and in good faith; (c) to exercise reasonable care and diligence; (e) to act in a fiduciary manner in all matters relating to trust funds; (f) to be loyal to the owner by not taking action that is adverse or detrimental to the owner's interest; (g) to disclose in a timely manner to the owner any existing or contemplated conflict of interest.
13. Pursuant to ORS 696.280(1), ORS 696.301(3) and (15) and OAR 863-025-0035(1)(b) and (2)(a) (01-01-2018 Effective Date) Motter engaged in conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.
14. Pursuant to ORS 696.280(1), ORS 696.301(3) and OAR 863-025-0035(1)(b) and (2)(a) and(c) (01-01-2018 Effective Date), Motter failed to produce records requested by the Agency within five banking days.

15. Pursuant to ORS 696.280(1), ORS 696.301(3) and (12) and OAR 863-025-0035(1)(b) and (2)(a) and(c) (01-01-2018 Effective Date) Motter demonstrated incompetence or untrustworthiness in performing an act for which the real estate licensee is required to hold a license.

16. Pursuant to ORS 696.280(1), ORS 696.301(3) and (14) and OAR 863-025-0035(1)(b) and (2)(a) and(c) (01-01-2018 Effective Date) Motter 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.

17. Pursuant to ORS 696.280(1), ORS 696.301(3) and (15) and OAR 863-025-0035((1)(b) and (2)(a) and(c) (01-01-2018 Effective Date) Motter engaged in conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

18. Pursuant to ORS 696.890(4) and ORS 696.301(3) Motter failed to uphold her affirmative duties to (a) deal honestly and in good faith; (c) to exercise reasonable care and diligence; (e) to act in a fiduciary manner in all matters relating to trust funds; (f) to be loyal to the owner by not taking action that is adverse or detrimental to the owner's interest; (g) to disclose in a timely manner to the owner any existing or contemplated conflict of interest.

19. Pursuant to ORS 696.280(1), ORS 696.301(3) and (12) and OAR 863-025-0035(1)(b) and (2)(a) and(c) (01-01-2018 Effective Date) Motter demonstrated incompetence or untrustworthiness in performing an act for which the real estate licensee is required to hold a license.

20. Pursuant to ORS 696.280(1), ORS 696.301(3) and (14) and OAR 863-025-0035(1)(b) and (2)(a) and(c) (01-01-2018 Effective Date) Motter 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.

21. Pursuant to ORS 696.280(1), ORS 696.301(3) and (15) and OAR 863-025-0035(1)(b) and (2)(a) and(c) (01-01-2018 Effective Date) Motter engaged in conduct that is below the

standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

**ORDER**

IT IS HEREBY ORDERED that Motter’s principal real estate broker license is revoked.

Dated this 29th day of September, 2021.

*OREGON REAL ESTATE AGENCY*

DocuSigned by:  
*Steven Strobe*  
D141D267DDE14A0...



Steven Strobe  
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.

# Certificate of Service

On September 29, 2021, I mailed and emailed the foregoing Final Order by Default issued on the Agency Case No. 2020-61.

By: First Class Mail

SHANNON M MOTTER  
5635 NE Elam Young Pkwy Ste 304  
Hillsboro, OR 97124-6488

SHANNON M MOTTER  
16116 NW Paisley Dr.  
Beaverton, OR 97006

By Email:

SHANNON M MOTTER  
shannon@precisepms.com

Yuleni Rodriguez  
Licensing Specialist

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of )  
LEAH MARIE HYLAND ) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Leah Marie Hyland (Hyland) do hereby agree and stipulate to all of the following in lieu of Hearing. Hyland does not dispute the Agency’s Procedural History, Findings of Fact, Statements of Law, and Conclusions of Law as set forth herein, and accepts the Order of Suspension which results therefrom.

PROCEDURAL HISTORY

On October 7, 2021, the Agency issued a *Notice of Intent to Suspend License No. B.200706042: Notice of Opportunity for Hearing*. On October 13, 2021, Hyland sent an email requesting a hearing. Hyland entered into settlement discussions with the Agency prior to the case being referred to the Office of Administrative Hearings. This Stipulated Final Order is the result of those discussions.

FINDINGS OF FACT, STATEMENTS OF LAW  
AND  
CONCLUSIONS OF LAW

1.

In establishing the violations set forth herein, the Agency may rely on one or more of the definitions contained in ORS 696.010.

**First Findings of Fact:**

1.1 At all times mentioned herein, Hyland was licensed as a broker with Windermere

1 Real Estate/Lane County.

2 1.2 On January 27, 2020, the Agency received a complaint from Mel Garges against  
3 Hyland and the Agency opened an investigation.

4 1.3 Garland LLC was registered in February 23, 2015 and was later dissolved in April  
5 2017. Per Hyland, the members of Garland LLC included Hyland as the “realtor,” Hyland’s  
6 father, Ron Hyland provided the financing, and Eric Garges (Hyland’s now ex husband), who  
7 was a general contractor and employee of Gemstone Builders to do remodel work.

8 1.4 Garland LLC initially purchased 677 Kamapheema PL, Eugene, OR 97405  
9 (subject property) from a bank owned listing. After purchasing, blackberry bushes were  
10 removed from the back hillside and a steep slope was discovered.

11 1.5 Initially Hyland stated Eric Garges (Garges) built a retaining wall on the back  
12 hillside and filled it with loam. Later Hyland stated a landscaper constructed the retaining wall,  
13 that Garges designed the wall and delivered the materials for the landscaper and crew to build  
14 it.

15 1.6 On January 14, 2016, Hyland listed the subject property.

16 1.7 On January 15, 2016, Garland LLC prepared (appears that both Gages and  
17 Hyland were involved in completing and filling out the form) and signed a Seller’s Property  
18 Disclosure Statement for the subject property stating the entirety of section “8 GENERAL” was  
19 unknown, including:

20 A. Are there problems with settling soil, standing water or drainage on the property or in  
21 the immediate area?

22 B. Does the property contain fill?

23 C. Is there any material damage to the property or any of the structure(s) from fire, wind,  
24 floods, beach movements, earthquake, expansive soils or landslides?

25 1.8 Garland LLC disclosed in section “9. FULL DISCLOSURE BY SELLER(S)” that  
26 there were no other material defects affecting the property or its value that a prospective buyer  
27 should know about.

28 1.9 Jacque Scott (Scott) a potential purchaser of the subject property, received a  
29 letter from GeoScience, Inc. (GeoScience) dated February 18, 2016. Scott had been informed  
30 about potential slope movement by her inspectors and by Mortier Engineer and as a result

1 retained Geoscience to perform further assessment. GeoScience reported the results of their  
2 assessment of the slope and fill stability. Per the letter, Scott had told GeoScience that  
3 Garland LLC had remodeled the property in the past year, constructing a wood retaining wall in  
4 the backyard downslope from the main part of the residence, with fill placed behind the wall.

5 1.10 Charity Crosby (Crosby) the principal broker representing Scott, prepared a  
6 buyer's repair addendum. The addendum asked for Garland LLC to complete all  
7 recommended items on the whole house inspection except item #301, #317 and #1410. Item  
8 #301 related to the driveway and the whole house inspection report notes a separation of the  
9 driveway from the driveway slap, with discussion on potential drainage issues. It was  
10 recommended to have a licensed foundation contractor or engineer review the driveway and  
11 garage slab to determine if corrections were needed. Item #317 in the whole house inspection  
12 report related to the lot/grade and the steepness of the lot's slope and led to the  
13 recommendation of having a licensed contractor and/or engineer review the conditions.

14 1.11 The buyer's repair addendum further stated Scott had received a structural  
15 engineer report by Mortier Engineering and based on that report a geotechnical engineer  
16 report had been ordered.

17 1.12 On March 3, 2016, Crosby emailed the repair addendum.

18 1.13 On March 6, 2016, GeoScience visited the subject property and wrote a report.  
19 The report noted the material on the slope below the west portion of the house and garage  
20 was indicated to contain fill material. The surface on that area had numerous clusters of cut  
21 blackberry vines. Below the central and eastern portions of the house, materials were present  
22 that indicated fill material. Portions of the deck support posts were out of plumb. Two slide  
23 scarps were observed in the fill sand downslope from the main part of the house. The  
24 driveway slab was unsupported by soil.

25 1.14 The discussions and recommendations section notes it was probable the house  
26 garage and much of the driveway was constructed on fill. The deck support posts had both  
27 moved northward and downward. The east end of the driveway had rotated in a counter-  
28 clockwise direction resulting in a gap between the driveway and garage slabs. The report in  
29 part states: " With the information available at this time, it appears that the likely most cost  
30 effective mitigation option is a reduction in driving forced at the top of the fill and a



1 concomitant increase in resisting forces in the lower portion of the fill slope by a re-grading of  
2 the fill to a more stable slope angle. It is recommended to reduce the overall slope angle to no  
3 steeper than 2H: 1V (27 degrees).”

4 1.14 On March 7, 2016, Crosby emailed Hyland and attached the GeoScience report.  
5 Crosby stated the inspector gave a broad bid to fix what was needed around \$30,000 to  
6 \$40,000. Crosby stated in order for Scott to continue with the sale, Garland LLC would need  
7 to agree to do the following: 1. All recommendations in the “Geo” report; 2 The roof items in the  
8 Whole House Inspection; 3 Driveway issues; and, 4. All dry rot and siding issues in the Whole  
9 House Inspection.

10 1.15 On March 8, 2016, Hyland emailed Crosby and acknowledged the transaction  
11 was terminating.

12 1.16 On March 8, 2016, the subject property went back on the market.

13 1.17 Dated May 4, 2016, an inspection report was prepared by Jeff Heide (Pillar to  
14 Post Home Inspectors) for Garland LLC. The observations included a few 4x4 posts on the  
15 west end of the deck were out of plumb. It was noted the grade on the south side sloped  
16 toward the house, and the inspector was unable to determine if there were drain lines along  
17 the foundation to divert water away from the home. Cracks were apparent in the garage floor  
18 but considered typical due to normal settling and movement. A gap was noted between the  
19 floor and the drive, and if the gap continued to increase it was recommended to consult with a  
20 licensed contractor for the needed corrections.

21 1.18 Hyland was contacted by the second buyer, Brett Rushforth (Rushforth), who had  
22 seen the property online and wanted to see it. Rushforth came out to visit the property.  
23 According to Hyland, she went over the previous inspection results with Rushforth and her  
24 relationship to her father as the private financing for Garland LLC and Garges as the builder.

25 1.19 Regarding his visit, Rushforth stated, “She definitely didn’t mention having any  
26 connection to the house, and she always referred to the seller as ‘the seller’ in all of our  
27 communications.” He said Hyland did not tell him anything about the possibility of a landslide.

28 1.20 Rushforth signed an offer on the subject property on May 16, 2016. Ron Hyland  
29 signed for Garland LLC on May 17, 2016. Both parties were represented by Hyland. In  
30 section “20 ADDITIONAL PROVISIONS,” Hyland wrote, “Listing agent is related to the seller.”

1           **First Statement of Law:** The Real Estate Commissioner may suspend the real estate  
2 license of any real estate licensee if the applicant has disregarded or violated any provision of  
3 ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of  
4 the Agency. ORS 696.301(3). ORS 696.301(3) is implemented in part by OAR 863-015-  
5 0145(1) (5-15-2014 Edition) which states if a real estate licensee, whether active or inactive,  
6 either directly or indirectly offers or negotiates for the sale, exchange, lease option, or  
7 purchase of real estate and the licensee is a principal to the transaction, the licensee must  
8 disclose to the other party to the offer or transaction that the licensee is a real estate licensee.  
9 The licensee must make disclosure in any advertising or display signs, and it must appear in  
10 writing on at least the first written document of agreement concerning the offer or transaction.  
11 The disclosure set forth on the agreement document also must state that the real estate  
12 licensee is representing himself or herself as either the buyer or the seller in the transaction.  
13 Per OAR 863-015-0145(5) this section applies to offers and transactions entered into by  
14 corporations, partnerships, limited partnerships, or other legal entities in which any real estate  
15 licensee, active or inactive is an owner and where the licensee at any time participates in  
16 negotiations concerning the offer or transaction on behalf of the entity. As used in this rule,  
17 “owner” means an individual having an ownership interest equaling more than five percent of  
18 the total ownership interest in the legal entity. Per OAR 863-015-0003(27) principal is defined  
19 by ORS 696.800. ORS 696.800(9) Principal means the person who has permitted or directed  
20 an agent to act on the principal’s behalf. In a real property transaction, this generally means  
21 the buyer or the seller.

22  
23           **First Conclusion of Law:** By failing to properly disclose as a licensee, that she was  
24 also a principal to the transaction, Hyland violated ORS 696.301(3) and its implementing rule  
25 OAR 863-015-0145(1) (5-15-2014 Edition)

26  
27           **Second Findings of Fact:**

28           1.21 Rushforth received a copy of the May 2016 inspection performed by Jeff Heide,  
29 which did not indicate there was anything wrong with the hillside or that there had been a  
30 landslide. No further inspections were done for Rushforth.

1           1.22 On May 24, 2016, Hyland emailed Rushforth and included a copy of the Seller's  
2 Property Disclosures (which was the same one that had been prepared on January 15, 2016).  
3 That same day, Rushforth signed the Seller's Property Disclosure Statement (same one that  
4 Hyland had prepared back on January 15, 2016).

5           1.23 Hyland did not update the seller's property disclosure from when it was initially  
6 prepared back in January 2016. The document still stated "Unknown" regarding the following  
7 questions:

8           A. Are there problems with settling soil, standing water or drainage on the property or in  
9 the immediate area?

10           B. Does the property contain fill?

11           C. Is there any material damage to the property or any of the structure(s) from fire, wind,  
12 floods, beach movement, earthquake, expansive soils or landslides.

13           Section 9 disclosed there were no other material defects affecting the property or its  
14 value that a prospective buyer should know about.

15           1.24 On June 29, 2016, the subject property sold. In December 2016, rainstorms  
16 washed everything away from the hillside. Experts were brought in to look into the landslide  
17 and found that it was at least two years old.

18           1.25 In late April 2017, Garland LLC was dissolved and in February 2018, Hyland's  
19 father repurchased the property.

20  
21           **Second Statement of Law:** The Real Estate Commissioner may suspend the real  
22 estate license of any real estate licensee if the applicant has disregarded or violated any  
23 provision of ORS 696.301. ORS 696.301 (12) authorizes the Commissioner to suspend the  
24 license of any person who has demonstrated incompetence or untrustworthiness in performing  
25 any act for which the real estate licensee is required to hold a license. ORS 696.301(3)  
26 authorizes the Commissioner to suspend any licensee's license who has disregarded or  
27 violated any provision of ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870  
28 and 696.890 or any rule of the Real Estate Agency. Implementation of ORS 696.301(3) is  
29 made through ORS 696.810(2)(a) and (c), ORS 696.810(3)(a),(c),(d),and (e), and ORS  
30 696.815(2)(b) (2015 Editions). ORS 696.810(2)(a) and (c) states: (2) a buyer's agent owes

1 the buyer, other principals and the principal's agents involved in a real estate transaction the  
2 following affirmative duties: (a) to deal honestly and in good faith; (c) to disclose material facts  
3 known by the buyer's agent and not apparent or readily ascertainable to a party. ORS  
4 696.810(3)(a),(c),(d) and (e) states: (3) a buyer's agent owes the buyer involved in a real  
5 estate transaction the following affirmative duties: (a) to exercise reasonable care and  
6 diligence; (c) to be loyal to the buyer by not taking action that is adverse or detrimental to the  
7 buyer's interest in a transaction; (d) to disclose in a timely manner to the buyer any conflict of  
8 interest, existing or contemplated; (e) to advise the buyer to seek expert advice on matters  
9 related to the transaction that are beyond the agent's expertise. ORS 696.815(2)(b) states: (2)  
10 a real estate licensee acting pursuant to a disclosed limited agency agreement has the  
11 following duties and obligations: (b) to the buyer, the duties under ORS 696.810.  
12

13 **Second Conclusion of Law:** By failing to ensure material facts were updated in the  
14 sellers' property disclosures and failing to disclose the known problem of a potential landslide,  
15 Hyland violated ORS 696.301(12) and ORS 696.301(3) as it incorporates ORS 696.810(2)(a)  
16 and (c), ORS 696.810(3)(a),(c),(d),and (e), and ORS 696.815(2)(b) (2015 Editions).  
17

18 **Third Conclusion of Law:**

19 The foregoing violations are grounds for discipline pursuant to ORS 696.301(3) and  
20 (12). Based upon the above violations a suspension of Hyland's broker license is appropriate  
21 under ORS 696.396(2)(c)(A) and (B). According to ORS 696.396(2)(c)(A)(B), the Agency may  
22 suspend a real estate license if the material facts establish a violation of a ground for discipline  
23 under ORS 696.301 that: (A) results in significant damage or injury; (B) exhibits incompetence  
24 in the performance of professional real estate activity. As previously noted, the Agency has set  
25 forth the grounds of ORS 696.301(3) and (12).  
26

27 3.

28 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a real  
29 estate license, whether by operation of law, order of the Real Estate Commissioner or decision  
30 of a court of law, or the inactive status of the license, or voluntary surrender of the license by

1 the real estate licensee does not deprive the commissioner of jurisdiction to: (1) proceed with  
2 an investigation of the licensee; (2) conduct disciplinary proceedings relating to the licensee;  
3 (3) Take action against a licensee, including assessment of a civil penalty against the licensee  
4 for a violation of ORS 696.020(2); or (4) revise or render null and void an order suspending or  
5 revoking a license.

6 4.

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

9 5.

10 STIPULATION AND WAIVER

11 I, Leah Marie Hyland, have read and reviewed this Stipulated Final Order and its  
12 Findings of Fact, Statements of Law and Conclusions of Law. I understand that the Findings  
13 of Fact, Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full  
14 and complete agreement and stipulation between the Agency and me. I further understand  
15 that if I do not agree with this stipulation I have the right to request a Hearing on this matter  
16 and to be represented by legal counsel at such a Hearing. I also understand that any Hearing  
17 would be conducted in accordance with the procedures set forth in ORS Chapter 183 and in  
18 accordance with the Rules of Practice and Procedure adopted by the Attorney General of the  
19 State of Oregon. By signing this Stipulated Final Order I freely and voluntarily waive my rights  
20 to a Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this  
21 matter.

22 I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and  
23 understand that the Order which follows hereafter, which I have also read and understand,  
24 may be completed and signed by the Real Estate Commissioner or may be rejected by the  
25 Real Estate Commissioner. I further understand that, in accordance with the provisions of  
26 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News  
27 Journal.

28 In addition to all of the above, I agree that once the Commissioner executes this

29 ///

30 ///

1 Final Stipulated Order, I will accept service of the Final Stipulated Order by email, and hereby  
2 waive the right to challenge the validity of service.

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ORDER

IT IS HEREBY ORDERED that Leah Marie Hyland's broker license *No. B.200706042* be, and hereby is, suspended for 60 days. The suspension will commence on December 1, 2021 and continue through and including January 29, 2022.

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:  
  
1218C585CABA45D...  
LEAH MARIE HYLAND

DocuSigned by:  
  
D141D267DDE14A0...  
STEVEN STRODE



Real Estate Commissioner

Date 10/27/2021 | 10:03 AM PDT

Date 10/28/2021 | 7:39 AM PDT

Date of Service: 10/28/2021

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional  
Real Estate Activity of  
LISA BUCKLEY

STIPULATED FINAL ORDER AND ORDER  
TO CEASE AND DESIST

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

FINDINGS OF FACT  
&  
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Buckley was not licensed to conduct professional real estate activity in Oregon.

1.2 On February 22, 2021, Kayla Ruiz filed a complaint with the Agency against Buckley.

1.3 On December 12, 2020, Buckley notified the tenants residing at “2263 Malin Apartments” that she was their new property manager and, beginning January 2021, she would be personally collecting their rent. The 2263 Malin Apartments were owed by Manumantha Patlola (Patola).

1.4 According to Buckley, Patola first hired her to remodel some of the units and then asked her to take over the property management.

1.5 Buckley collected rents, took maintenance requests from the tenants, and scheduled repairs. Buckley was compensated for her property management activity by receiving a portion of the rent collected.

1.6 Buckley was unaware she needed a license and told Agency staff the property owner told her she didn’t need a license.





1 I hereby agree and stipulate to the above findings of fact and conclusions of law and  
2 understand that the order which follows hereafter may be completed and signed by the Real  
3 Estate Commissioner or may be rejected by the Real Estate Commissioner. I understand that,  
4 in accordance with the provisions of ORS 696.445(3), notice of this order shall be published in  
5 the Oregon Real Estate News Journal. I agree once the Commissioner executes this stipulated  
6 order, I will accept service of the final order by email, and hereby waive the right to challenge  
7 the validity of service.

8  
9 ORDER

10 IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Buckley immediately cease  
11 and desist from engaging in any professional real estate activity as defined in ORS  
12 696.010(17)(a) to (n) (2019 Edition) unless Buckley first obtains a real estate license from the  
13 Agency. The Commissioner's authority for this order is under ORS 696.397.

14 IT IS FURTHER ORDERED that, pursuant to ORS 696.990 and based upon the  
15 violation set forth above, Buckley pay a civil penalty in the sum of \$500.00, said penalty to be  
16 paid to the General Fund of the State Treasury by paying the same to the Agency.

17  
18 IT IS SO STIPULATED:

IT IS SO ORDERED:



19  
20 DocuSigned by:  
21 Lisa Marie Buckley  
22 05B707A6EF1C474...  
LISA MARIE BUCKLEY

DocuSigned by:  
Steven Strode  
D141D267DDE14A0...  
STEVEN STRODE

23  
24 Date 9/15/2021 | 12:16 PM PDT

Real Estate Commissioner  
Date 9/28/2021 | 8:57 AM PDT

25  
26 Date of Service: 9/28/2021  
27  
28  
29  
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REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional  
Real Estate Activity of  
AUTUMN MARIE REYNOLDS

STIPULATED FINAL ORDER AND ORDER  
TO CEASE AND DESIST

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

FINDINGS OF FACT  
&  
CONCLUSIONS OF LAW  
1.

1.1 At all times mentioned herein, Reynolds was not licensed to conduct professional real estate activity or the management of rental real estate in Oregon.

1.2 On March 10, 2021, Stacie Loders (Loders) filed a complaint against Reynolds and the Agency opened an investigation on April 6, 2021.

1.3 The complaint documents included photos of two lease agreements; the first was for 412 Pearl St., Unit #2, Oregon City. Per Clackamas County records, Joseph Winter (Winter) was the owner of the property. The lease agreement for 412 Pearl St., Unit #2, stated the term of the lease would start on April 24, 2020, and continue as a month-to-month tenancy. The lease agreement noted Reynolds as the landlord and her contact information was included. The lease agreement was signed by Reynolds on April 24, 2020, and signed by tenant Gina Leon the same day.

1.4 Per the lease agreement, monthly rent of \$850.00 was due on the first day of the month. Rent could be paid via cash, money order and cashier's check. Complaint records show Gina Sorter (formerly Gina Leon) paid Reynolds five separate times between August 2020 and December 2020 using the Venmo App.

1 **(1) Violation:** By entering into a lease agreement with Gina Sorter (formerly Gina Leon), for  
2 412 Pearl St., Unit #2, Oregon City, and collecting rent between August 2020 and December  
3 Reynolds engaged in the management of rental real estate (as defined in ORS  
4 696.010(14)(a)(C) and (F) (2019 Edition)) and as such engaged in professional real estate  
5 activity, as defined per ORS 696.010(17)(h) (2019 Edition) without a license to do so, in  
6 violation of ORS 696.020(2) (2019 Edition), which states an individual may not engage in,  
7 carry on, advertise or purport to engage in or carry on professional real estate activity, or act in  
8 the capacity of a real estate licensee, within this state unless the individual holds an active  
9 license.

10 1.5 The second lease agreement provided with the complaint was for 4800 SE  
11 Boardman Ave, in Milwaukie Oregon. According to Clackamas County records Winter was the  
12 owner. The lease term began on November 11, 2019 and the tenant was Nicholas Warrall.  
13 The lease agreement noted Reynolds as the landlord and her contact information was  
14 included.

15 1.6 Per the lease agreement, rent was \$1,200 a month. Complaint records show  
16 Nicholas Worrall paid Reynolds fifteen separate times between November 2019 and  
17 December 2020, using the Venmo App. All payments referenced the respective month, and  
18 most noted "Rent."

19 **(2) Violation:** By entering into a lease agreement with Nicholas Worrall for 4800 SE  
20 Boardman Ave. Milwaukie, and collecting rent between November 2019 and December 2020,  
21 Reynolds engaged in management of rental real estate (as defined in ORS 696.010(14)(a)(C)  
22 and (F) (2019 Edition)) and as such engaged in professional real estate activity, as defined per  
23 ORS 696.010(17)(h) (2019 Edition) without a license to do so, in violation of ORS 696.020(2)  
24 (2019 Edition), which states an individual may not engage in, carry on, advertise or purport to  
25 engage in or carry on professional real estate activity, or act in the capacity of a real estate  
26 licensee, within this state unless the individual holds an active license.

27 1.7 Also included in the complaint documents was a picture depicting a "Residential  
28 Lease Package." Tenants named were Jessica Dent and James Larsen and the lease start  
29 date noted was June 2, 2019. Jessica Dent and James Larsen made payments to Reynolds  
30 using the Venmo App seventeen separate times between June 2019 and November 2020.

1 The payments reference rent for 7714 SE Mitchell Street. According to Multnomah County  
2 records Winter was the owner.

3 **(3) Violation:** By entering into a lease agreement with Jessica Dent and James Larsen for  
4 7714 SE Mitchell Street, and collecting rent between June 2019 and November 2020,  
5 Reynolds engaged in management of rental real estate (as defined in ORS 696.010(14)(a)(C)  
6 and (F) (2019 Edition)) and as such engaged in professional real estate activity, as defined per  
7 ORS 696.010(17)(h) (2019 Edition) without a license to do so, in violation of ORS 696.020(2)  
8 (2019 Edition), which states an individual may not engage in, carry on, advertise or purport to  
9 engage in or carry on professional real estate activity, or act in the capacity of a real estate  
10 licensee, within this state unless the individual holds an active license.

11 1.8 On June 6, 2018, Reynolds filed a Residential Eviction Complaint in Clackamas  
12 County Court relating to property located at 19903 Leland Rd. Oregon City. Reynolds and  
13 "Winter Properties" were listed as the Plaintiff (Landlord or Agent). The complaint was signed  
14 by Reynolds. Included as part of the filing was an "Oregon 30 Day Termination Notice- No  
15 Cause," which was signed and served by Winter on April 28, 2018.

16 **(4) Violation:** By filing the June 6, 2018, Residential Eviction Complaint relating to  
17 property located at 19903 Leland Rd. in Oregon City, Reynolds engaged in the management of  
18 rental real estate (as defined in ORS 696.010(14)(a)(L) (2017 Edition)), and as such engaged  
19 in professional real estate activity, as defined per ORS 696.010(17)(h) (2017 Edition), without  
20 a license to do so, in violation of ORS 696.020(2) (2017 Edition) which states an individual  
21 may not engage in, carry on, advertise or purport to engage in or carry on professional real  
22 estate activity, or act in the capacity of a real estate licensee, within this state unless the  
23 individual holds an active license.

24 1.9 According to Winter he had known Michael Reynolds (M. Reynolds), Reynold's  
25 husband, for twenty years and Reynolds for only four years. Per Winter, Reynolds knew a few  
26 renters and would let them know about his properties and Reynolds and M. Reynolds would  
27 collect the rent.

28 1.10 In her complaint response, Reynolds claimed she was an employee of Winter  
29 but never received compensation for the work Winters had her do for his properties.  
30 Reynolds claimed that when she started working for Winter she had no experience with

1 landlord/tenant issues, and worked under Winter’s direction.

2 1.11 Currently, both Reynolds and Winter have pending litigation against each other  
3 on various separate issues. On August 4, 2021, Reynolds filed a Complaint (Wage Claim)  
4 against Winter for wages due. Alleged in the complaint, was that Winter agreed to pay  
5 Reynolds an hourly rate of \$20.00, and Reynolds work was primarily to aid Winter in property  
6 management. The complaint further alleges that from June 14, 2016, through January 25,  
7 2021, Reynolds worked approximately 28 hours per week for Winter. Included with the  
8 complaint was Exhibit A, which was an agreement signed by Reynolds and Winter on June 14,  
9 2016, stating, “Autumn Reynolds is an authorized agent for all properties belonging to Joseph  
10 Winter. She has full control and ability to make decisions regarding all tenants.”

11 1.12 Winter stated he saw a copy of the agreement Reynolds submitted as part of her  
12 claim, however, he didn’t remember signing it.

13  
14 2.

15 2.1 The Agency reserves the right to investigate and pursue additional complaints  
16 that may be received in the future regarding this individual.

17 2.2 In establishing the violations alleged above, the Agency may rely on one or more  
18 of the definitions contained in ORS 696.010.

19 2.3 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 **STIPULATION & WAIVER**

28 I have read and reviewed the above findings of fact and conclusions of law which have  
29 been submitted to me by the Agency and further, the order which follows hereafter. I  
30 understand that the findings of fact, conclusions of law and this stipulation and waiver embody

1 the full and complete agreement and stipulation between the Agency and me. I further  
2 understand that if I do not agree with this stipulation I have the right to request a hearing on  
3 this matter and to be represented by legal counsel at such a hearing. Hearings are conducted  
4 in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the  
5 Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. I  
6 freely and voluntarily waive my rights to a hearing, to representation by legal counsel at such a  
7 hearing, and to judicial review of this matter.

8 I hereby agree and stipulate to the above findings of fact and conclusions of law and  
9 understand that the order which follows hereafter may be completed and signed by the Real  
10 Estate Commissioner or may be rejected by the Real Estate Commissioner. I understand that,  
11 in accordance with the provisions of ORS 696.445(3), notice of this order shall be published in  
12 the Oregon Real Estate News Journal. I agree once the Commissioner executes this stipulated  
13 order, I will accept service of the final order by email, and hereby waive the right to challenge  
14 the validity of service.

15 ORDER

16 IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Reynolds immediately cease  
17 and desist from engaging in any professional real estate activity as defined in ORS  
18 696.010(17)(a) to (n) (2019 Edition) unless Reynolds first obtains a real estate license from the  
19 Agency. The Commissioner's authority for this order is under ORS 696.397.

20 IT IS FURTHER ORDERED that, pursuant to ORS 696.990 and based upon the  
21 violation set forth above, Reynolds pay a civil penalty in the sum of \$3,500.00, said penalty to  
22 be paid to the General Fund of the State Treasury by paying the same to the Agency.

23  
24 IT IS SO STIPULATED:

IT IS SO ORDERED:

25  
26 DocuSigned by:  
27   
28 07934091F08A425...  
AUTUMN MARIE REYNOLDS

DocuSigned by:  
  
D141D267DDE14A0...  
STEVEN STRODE



Real Estate Commissioner

29  
30 Date 10/25/2021 | 9:18 AM PDT

Date 11/2/2021 | 8:08 AM PDT

Date of Service: 11/02/2021

**REAL ESTATE BOARD  
REGULATION DIVISION REPORT  
December 6, 2021**

Regulation Division Manager: Elli Kataura

Compliance Specialists 3 (Compliance Coordinator): Rob Pierce, Meghan Lewis

Financial Investigators (Investigator-Auditor): Jeremy Brooks, Aaron Grimes,  
Liz Hayes, Lisa Montellano, Cidia Nañez, Lindsey Nunes, John Moore

Compliance Specialist 2: Carolyn Kalb

**Division Overview**

The Agency receives complaints and determines if an investigation is appropriate. 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 a violation of Agency statutes or administrative rules. When a case finds sufficient cause to sanction a license, the case is elevated to the Commissioner for review. When the Commissioner supports a sanction, the Compliance Coordinators conduct a settlement conference to resolve cases without a contested case hearing. If the respondent requests a hearing, the Investigator works with the Assistant Attorney General in preparing for and presenting the case at hearing.

**Personnel**

The Regulation Division is currently interviewing for a Financial Investigators position. Candidates are in the first round of consideration at the writing of this report.

**Workload and Activity Indicators**

<u>Average # in this Status at the time</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>Current 11/18/21</u>
Complaint	40	44	33	25	20	26	19	18	34
Investigation***	50	56	73	66	64	87	76	42	44
(# of Investigators)	6	7	7	7	7*	6-7**	7	7	7
Admin Review	27	33	28	40	35	61	21	9	12
Settlement Process	19	22	38	34	45	46	23	8	7

\* One investigator on medical leave.

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

\*\*\*Pending queue retired in 2020. All cases are directly assigned to an investigator rather than being held in a pending status.

**REAL ESTATE BOARD  
LAND DEVELOPMENT DIVISION REPORT  
December 6th, 2021**

Division Manager: Michael Hanifin

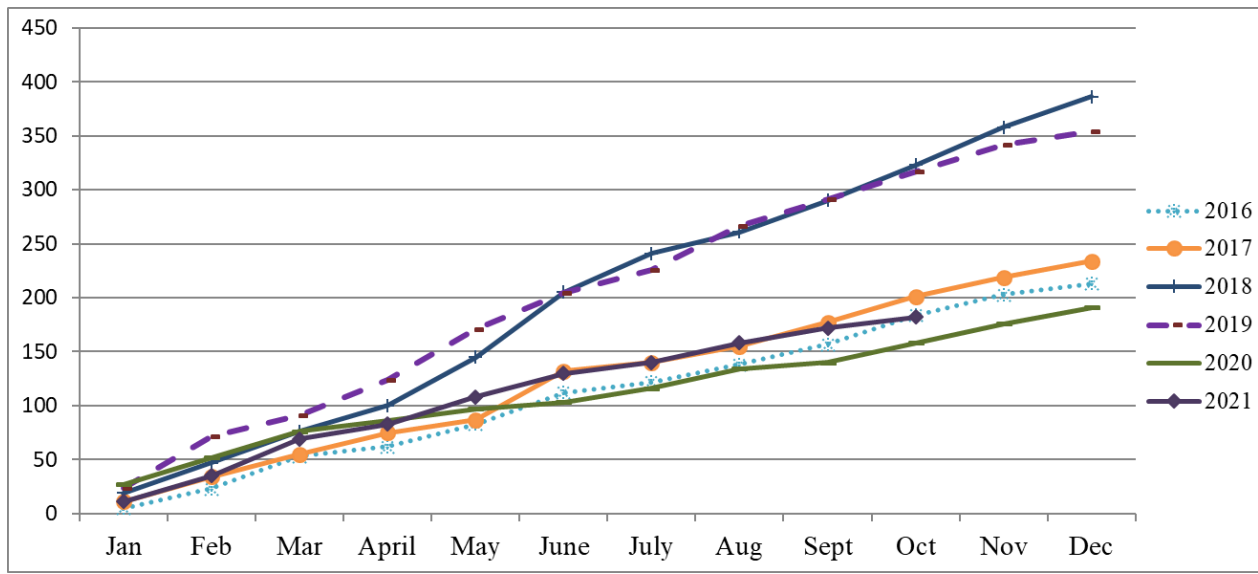
**Division Overview**

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.

**Personnel**

There are no current vacancies or recruitments in the Land Development Division

**Workload and Activity Indicators**



Through end of October the division has received 182 filings. When comparing filing volume thru end of October for all years of the past decade, current volume is on par with or exceeds all years except 2017 thru 2019.

**Rulemaking Overview**

The agency has completed the permanent rulemaking regarding inclusion of education on federal and state fair housing laws in the LARC course as required by HB 2701 (2021 Regular Session). The permanent order was effective November 1<sup>st</sup>, 2021.

**Rules Affected:** The following rules affected were: 863-020-0005, 863-020-0050, 863-0



**REAL ESTATE BOARD  
ADMINISTRATIVE SERVICES DIVISION REPORT  
December 6, 2021**

Administrative Services Manager: Mesheal Heyman

Accountant: Caty Karayel

Systems Administrator: Tiffani Miller

Program Analyst: Rus Putintsev

Operation & Policy Analyst: Denise Lewis

**Division Overview**

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

**Personnel**

There are no current vacancies or recruitments in the Administrative Services Division.

**Budget Update**

As of the end of October, projected revenue for the 2021-2023 biennium is at **\$10.2 million** and projected expenses are at **\$9 million**. The cash balance is **\$5.6 million**.

Since the beginning of the biennium, the Agency has averaged a monthly surplus of around \$82,000. The surplus can be partially attributed to the record setting number of individuals holding licenses (25,120 as of the end of October). The Agency is prepared for an expected downward trend in both applications and overall license numbers.

**Office Update**

The Agency intends to reopen the office to staff and the public beginning January 3, 2022.

**Communications**

As mentioned in the last Board meeting, division staff worked hard to expedite a new format of the Oregon Real Estate News-Journal and got it out in September. Engagement with the e-newsletter version appears to be equivalent to older version. We will continue to monitor and make updates as needed.

A Spanish translation of the property management guide, *Bienvenido a la Administración de Propiedades en Oregón*, is now available on the Agency's website.

## Real Estate Agency - AY23

### 2021-2023 Budget - Biennium to Date Through June 30th 2023

<i><b>Budget Codes</b></i>		<u>21-2023 LAB</u>	<u>Expected Total Expenditures for Biennium (current)</u>	<u>Expected Remaining Limitation at end of Biennium</u>
	<b>Total Personal Services</b>	<b>7,071,078</b>	<b>7,437,233</b>	<b>(366,155)</b>
<b>4100 &amp; 4125</b>	In-State Travel & Out-of-State Travel	103,008	19,781	83,227
<b>4150</b>	Employee Training	38,585	35,593	2,993
<b>4175</b>	Office Expenses	86,611	88,818	<b>(2,207)</b>
<b>4200</b>	Telecom/Tech Services & Support	67,400	76,137	<b>(8,737)</b>
<b>4225</b>	State Government Services	265,226	329,697	<b>(64,471)</b>
<b>4250</b>	Data Processing	113,997	81,505	32,492
<b>4275</b>	Publicity & Publications	38,297	5,250	33,047
<b>4300 &amp; 4315</b>	Professional Services & IT Professional Services	196,960	165,993	30,967
<b>4325</b>	Attorney General Legal Fees	284,277	239,801	44,476
<b>4375</b>	Employee Recruitment	8,081	250	7,831
<b>4400</b>	Dues & Subscriptions	9,987	6,925	3,062
<b>4425</b>	Facilities Rent & Taxes	265,559	255,289	10,270
<b>4475</b>	Facilities Maintenance	4,713	11,992	<b>(7,279)</b>
<b>4575</b>	Agency Program Related S&S	922,042	916,051	5,991
<b>4650</b>	Other Services & Supplies	92,287	176,796	<b>(84,509)</b>
<b>4700</b>	Expendable Property \$250-\$5000	30,401	6,500	23,901
<b>4715</b>	IT Expendable Property	169,980	56,674	113,306
	<b>Total Services &amp; Supplies</b>	<b>2,697,411</b>	<b>2,473,052</b>	<b>224,359</b>
	<b>Totals</b>	<b>9,768,489</b>	<b>9,910,285</b>	<b>(141,796)</b>

**REAL ESTATE BOARD  
EDUCATION & LICENSING DIVISION REPORT  
December 6, 2021**

Education & Licensing Manager: Madeline Alvarado

Compliance Specialist: Tami Schemmel, Roger McComas, Jenifer Wetherbee

Administrative Specialist: Elizabeth Hardwick, Nenah Darville

**Division Overview**

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

**Personnel**

There is one receptionist vacancy within the Education and Licensing Division and the recruitment closed 11/15/2021 and interviews will take place as soon as possible.

**Education Update**

LARRC providers offering the 2022 LARRC will receive an Agency issued course number. This allows the Agency to ensure licensees have taken the correct LARRC, containing the fair housing component, when renewing their license effective 7/1/2022.

**Licensing Update**

New individual application types- new applications increased by 25% from August to September and decreased by in the month of October 20%.

License renewals- September 87% and October 88% of licensees renewed their licenses on time.

Phones- Phone calls for September decreased by 6% (when compared to August's stats) and October's calls decreased by 2% when compared to September's stats. The average hold time for September was 19 seconds and for October was 17 seconds.

**Upcoming**

Reminder: The Agency would like to remind the Board that we're able and willing to offer the OREA Advertising Update and General Overview Class. If your brokerage or local association is interested in this course, please have them contact me for scheduling.

## RBN Renewal

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>Eligible to Renew</b>	424	345	344	347	319	308	254	268	274	262		
<b>Failed to Renew</b>	19	17	15	18	14	20	13	12	11	11		
<b>% Renewed</b>	96%	95%	96%	95%	96%	94%	95%	96%	96%	96%		

## Licensing Statistics

### *Total Licensee Counts by Month:*

<b>Individuals (Persons)</b>	<b>Sept-21</b>	<b>Oct-21</b>
<b>Broker – Total</b>	<b>17,673</b>	<b>17,759</b>
Active	16,042	16,083
Inactive	1,631	1,676
<b>Principal Broker - Total</b>	<b>6,413</b>	<b>6,396</b>
Active	6,036	6,029
Inactive	377	367
<b>ALL BROKERS Total</b>	<b>24,086</b>	<b>24,155</b>
Active	22,078	22,112
Inactive	2,008	2,043
<b>Property Manager - Total</b>	<b>941</b>	<b>944</b>
Active	837	839
Inactive	104	105
<b>MCC Salesperson</b>	<b>19</b>	<b>20</b>
<b>MCC Broker</b>	<b>1</b>	<b>1</b>
<b>TOTAL INDIVIDUALS</b>	<b>25,047</b>	<b>25,120</b>
Active	22,935	22,972
Inactive	2,112	2,148
<b>Facilities (Companies)</b>		
REMO	4	4
Registered Business Name (RBN)	3,855	3,845
Registered Branch Office (RBO)	799	803
Escrow Organization	71	71
Escrow Branch	149	150
Condominium Filing (CO)	194	199
Unit Owners Association	978	974

Pre-License Education Provider (PEP)	26	26
CEP	304	304
MCC Operator	25	25
<b>TOTAL FACILITIES</b>	<b>6,405</b>	<b>6,401</b>
<b>TOTAL INDIVIDUALS &amp; FACILITIES</b>	<b>31,452</b>	<b>31,521</b>

### *New Licenses by Month:*

<b>Individuals (Persons)</b>	<b>Sept-21</b>	<b>Oct-21</b>
Broker	235	188
Principal Broker	19	14
<b>TOTAL BROKERS</b>	<b>254</b>	<b>202</b>
Property Manager	8	9
MCC Salesperson	0	1
MCC Broker	0	0
<b>TOTAL INDIVIDUALS</b>	<b>262</b>	<b>212</b>
<b>Facilities (Companies)</b>		
Continuing Education Provider (CEP)	2	0
REMO	0	0
Registered Business Name	20	20
Registered Branch Office	5	9
Escrow Organization	0	0
Escrow Branch	0	1
Condominium Filing	1	0
Unit Owners Association	2	8
Pre-License Ed Provider	0	0
MCC Operator	0	0
<b>TOTAL FACILITIES</b>	<b>28</b>	<b>38</b>
<b>TOTAL INDIVIDUALS &amp; FACILITIES</b>	<b>290</b>	<b>250</b>

**Exam Statistics**

*October 2021*

*ALL LICENSING EXAMS*      Total

Broker	475
Property Manager	22
Principal Broker	55
Reactivation	11

**Pass Rates**

<i><u>First Time Pass Rate</u></i> <i><u>Percentage</u></i>	<i><u>2017</u></i>	<i><u>2018</u></i>	<i><u>2019</u></i>	<i><u>2020</u></i>	<i><u>2021</u></i>
Broker State	61	58	57	50	47
Broker National	73	72	70	68	67
Principal Broker State	58	59	51	53	59
Principal Broker National	76	77	69	63	55
Property Manager	69	67	64	58	68

**Oregon Real Estate Agency Education & Licensing Division**  
**Licensee Application & Renewal 2021 Data**

<b>New Applications</b>													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>Brokers</b>	513	419	528	380	374	345	319	352	324	331			3885
<b>Principal Brokers</b>	43	39	49	36	34	26	30	28	43	38			366
<b>Property Managers</b>	20	25	18	22	31	28	25	25	30	19			243
<b>Total</b>	576	483	595	438	439	399	374	405	397	388			4494

<b>Renewal Activity</b>														
<b>Brokers</b>		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>On Time</b>	Active	461	445	528	518	512	526	520	563	525	539			5137
	Inactive	27	31	30	22	30	41	37	36	49	32			335
<b>Late</b>	Active	54	44	45	36	30	43	36	44	56	53			441
	Inactive	11	7	11	10	12	9	11	10	10	18			109
<b>Lapse</b>		123	101	120	121	113	102	110	86	116	102			1094
<b>Total</b>		676	628	734	707	697	721	714	739	756	744			7116

<b>Principal Brokers</b>		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>On Time</b>	Active	220	189	223	225	196	238	252	239	237	207			2226
	Inactive	12	2	6	8	5	12	9	12	8	7			81
<b>Late</b>	Active	11	11	11	10	2	18	9	16	11	13			112
	Inactive	1	1	2	1	2	3	2	3	3	0			18
<b>Lapse</b>		25	18	19	28	32	23	23	17	19	16			220
<b>Total</b>		269	221	261	272	237	294	295	287	278	243			2657

**Oregon Real Estate Agency Education & Licensing Division**  
**Licensee Application & Renewal 2021 Data**

<b>Property Managers</b>		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>On Time</b>	Active	34	29	32	29	36	33	33	33	25	26			<b>310</b>
	Inactive	5	2	1	1	3	0	3	1	1	2			<b>19</b>
<b>Late</b>	Active	1	0	2	0	0	1	2	2	3	0			<b>11</b>
	Inactive	0	1	0	1	1	0	0	0	0	0			<b>3</b>
<b>Lapse</b>		8	12	4	9	10	1	10	7	4	8			<b>73</b>
<b>Total</b>		<b>48</b>	<b>44</b>	<b>39</b>	<b>40</b>	<b>50</b>	<b>35</b>	<b>48</b>	<b>43</b>	<b>33</b>	<b>36</b>			<b>416</b>

<b>Grand Total (Brokers, Principal Brokers, Property Managers)</b>														
		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>Total Eligible to Renew</b>		<b>993</b>	<b>893</b>	<b>1034</b>	<b>1019</b>	<b>984</b>	<b>1050</b>	<b>1057</b>	<b>1069</b>	<b>1067</b>	<b>1023</b>			<b>10189</b>
<b>On Time</b>	Active	715	663	783	772	744	797	805	835	787	772			<b>7673</b>
	Inactive	44	35	37	31	38	53	49	49	58	41			<b>435</b>
<b>Late</b>	Active	66	55	58	46	32	62	47	62	70	66			<b>564</b>
	Inactive	12	9	13	12	15	12	13	13	13	18			<b>130</b>
<b>Total Renewed</b>		<b>837</b>	<b>762</b>	<b>891</b>	<b>861</b>	<b>829</b>	<b>924</b>	<b>914</b>	<b>959</b>	<b>928</b>	<b>897</b>			<b>8802</b>
<b>Lapse</b>		<b>156</b>	<b>131</b>	<b>143</b>	<b>158</b>	<b>155</b>	<b>126</b>	<b>143</b>	<b>110</b>	<b>139</b>	<b>126</b>			<b>1387</b>

<b>% On Time</b>		<b>76.4 %</b>	<b>78.2%</b>	<b>79.3%</b>	<b>78.8%</b>	<b>79.5%</b>	<b>81.0%</b>	<b>80.8%</b>	<b>82.7%</b>	<b>79.2%</b>	<b>79.5%</b>	<b>%</b>	<b>%</b>	<b>79.6%</b>
<b>% Late</b>		<b>7.9%</b>	<b>7.2%</b>	<b>6.9%</b>	<b>5.7%</b>	<b>4.8%</b>	<b>7.0%</b>	<b>5.7%</b>	<b>7.0%</b>	<b>7.8%</b>	<b>8.2%</b>	<b>%</b>	<b>%</b>	<b>6.8%</b>
<b>% Failed to Renew(Lapsed)</b>		<b>15.7%</b>	<b>14.7%</b>	<b>13.8%</b>	<b>15.5%</b>	<b>15.8%</b>	<b>12.0%</b>	<b>13.5%</b>	<b>10.3%</b>	<b>13.0%</b>	<b>12.3%</b>	<b>%</b>	<b>%</b>	<b>13.6%</b>
<b>Total</b>		<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>

**Oregon Real Estate Agency Education & Licensing Division**  
**Licensee Application & Renewal 2020 Data**

<b>New Applications</b>													
	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>Brokers</b>	359	292	293	273	435	416	411	495	406	405	385	413	4583
<b>Principal Brokers</b>	37	44	37	15	24	27	35	44	25	31	31	50	400
<b>Property Managers</b>	21	23	20	19	20	24	23	31	24	16	32	17	270
<b>Total</b>	417	359	350	307	479	467	469	570	455	452	448	480	5253

<b>Renewal Activity</b>														
<b>Brokers</b>		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>On Time</b>	Active	480	487	526	514	556	511	553	546	550	548	449	544	6264
	Inactive	52	55	25	36	41	32	34	45	31	31	30	32	444
<b>Late</b>	Active	45	32	34	34	43	38	50	40	43	35	52	36	482
	Inactive	11	11	7	13	12	10	11	14	8	8	8	9	122
<b>Lapse</b>		85	92	100	107	97	114	130	135	128	102	111	105	1306
<b>Total</b>		673	677	692	704	749	705	778	780	760	724	650	726	8618

<b>Principal Brokers</b>		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>On Time</b>	Active	234	238	246	243	251	265	211	239	256	213	219	211	2826
	Inactive	9	17	9	15	13	9	11	9	11	9	10	7	129
<b>Late</b>	Active	13	7	11	9	12	4	10	7	10	7	12	9	111
	Inactive	0	2	3	1	1	2	2	1	1	1	1	2	17
<b>Lapse</b>		23	20	30	23	22	18	36	26	25	20	26	23	292
<b>Total</b>		279	284	299	291	299	298	270	282	303	250	268	252	3375



**Oregon Real Estate Agency Education & Licensing Division**  
**Licensee Application & Renewal 2020 Data**

<b>Property Managers</b>		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>On Time</b>	Active	29	26	27	18	36	31	37	34	25	25	26	32	<b>346</b>
	Inactive	2	4	2	0	1	0	1	0	3	2	3	4	<b>22</b>
<b>Late</b>	Active	2	0	1	2	4	1	3	0	1	2	2	2	<b>20</b>
	Inactive	1	0	0	1	1	1	0	0	0	0	0	1	<b>5</b>
<b>Lapse</b>		8	10	9	8	5	7	11	7	10	11	7	5	<b>98</b>
<b>Total</b>		<b>42</b>	<b>40</b>	<b>39</b>	<b>29</b>	<b>47</b>	<b>40</b>	<b>52</b>	<b>41</b>	<b>39</b>	<b>40</b>	<b>38</b>	<b>44</b>	<b>491</b>

<b>Grand Total (Brokers, Principal Brokers, Property Managers)</b>														
		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>Total Eligible to Renew</b>		<b>994</b>	<b>1001</b>	<b>1030</b>	<b>1024</b>	<b>1095</b>	<b>1043</b>	<b>1100</b>	<b>1103</b>	<b>1102</b>	<b>1014</b>	<b>956</b>	<b>1022</b>	<b>12484</b>
<b>On Time</b>	Active	743	751	799	775	843	807	801	819	831	786	694	787	<b>9436</b>
	Inactive	63	76	36	51	55	41	46	54	45	42	43	43	<b>595</b>
<b>Late</b>	Active	60	39	46	45	59	43	63	47	54	44	66	47	<b>613</b>
	Inactive	12	13	10	15	14	13	13	15	9	9	9	12	<b>144</b>
<b>Total Renewed</b>		<b>878</b>	<b>879</b>	<b>891</b>	<b>886</b>	<b>971</b>	<b>904</b>	<b>923</b>	<b>935</b>	<b>939</b>	<b>881</b>	<b>812</b>	<b>889</b>	<b>10788</b>
<b>Lapse</b>		<b>116</b>	<b>122</b>	<b>139</b>	<b>138</b>	<b>124</b>	<b>139</b>	<b>177</b>	<b>168</b>	<b>163</b>	<b>133</b>	<b>144</b>	<b>133</b>	<b>1696</b>

<b>% On Time</b>		<b>81.1 %</b>	<b>82.6%</b>	<b>81.1%</b>	<b>80.7%</b>	<b>82.0%</b>	<b>81.3%</b>	<b>77.0%</b>	<b>79.1%</b>	<b>79.5%</b>	<b>81.7%</b>	<b>77.1%</b>	<b>81.2%</b>	<b>80.4%</b>
<b>% Late</b>		<b>7.2%</b>	<b>5.2%</b>	<b>5.4%</b>	<b>5.9%</b>	<b>6.7%</b>	<b>5.4%</b>	<b>6.9%</b>	<b>5.6%</b>	<b>5.7%</b>	<b>5.2%</b>	<b>7.8%</b>	<b>5.8%</b>	<b>6.1%</b>
<b>% Failed to Renew (Lapsed)</b>		<b>11.7%</b>	<b>12.2%</b>	<b>13.5%</b>	<b>13.5%</b>	<b>11.3%</b>	<b>13.3%</b>	<b>16.1%</b>	<b>15.2%</b>	<b>14.8%</b>	<b>13.1%</b>	<b>15.1%</b>	<b>13.0%</b>	<b>13.6%</b>
<b>Total</b>		<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>	<b>100.0 %</b>

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

<b>(minutes: seconds)</b>	<b>Jan – 21</b>	<b>Feb – 21</b>	<b>Mar – 21</b>	<b>Apr – 21</b>	<b>May-21</b>	<b>Jun-21</b>	<b>Jul-21</b>	<b>Aug-21</b>	<b>Sep-21</b>	<b>Oct-21</b>	<b>Nov--21</b>	<b>Dec-21</b>	<b>2021 Average</b>
Call Count	1981	1801	1918	1822	1452	1886	1653	1616	1510	1477			1712
Average Wait Time	:51	:36	:29	:29	:24	:18	:26	:15	:19	:17			:28.5
Maximum Wait Time	0:19:17	0:10:52	0:09:59	0:10:43	0:08:58	0:06:37	0:28:56	0:06:49	0:07:45	0:04:46			0:11:28

<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	1468	1775	1875	1678	1749	1646	1593	1785	1735.3
Average Wait Time	:25	:21	:19	:23	:25	:35	:29	:26	:21	:20	:24	:29	:24.75
Maximum Wait Time	0:11:05	0:09:30	0:14:56	0:10:15	0:18:12	0:13:00	0:21:34	0:14:15	0:11:09	0:17:30	0:09:58	0:12:06	0:13:38

<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	:26
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