



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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Notice of Agenda

OREGON REAL ESTATE BOARD

Regular Meeting Agenda

Zoom Videoconference

August 2, 2021

- I. BOARD BUSINESS – Chair MacLean**
 - A. Call to Order
 - B. Chair MacLean comments/Roll Call
 - C. Approval of the Agenda and Order of Business
 - D. Approval of 06.07.21, regular meeting minutes
 - E. Date of the Next Meeting: 10.04.21 to begin at 10am via Zoom videoconference
- II. PUBLIC COMMENT – Chair MacLean**
 - This time is set aside for persons wishing to address the Board on matters not on the agenda. Speakers will be limited to five minutes.
 - The Board Chair reserves the right to further limit or exclude repetitious or irrelevant presentations. If written material is included, 12 copies of all information to be distributed to board members should be given to the Board Liaison prior to the meeting.
 - Action will not be taken at this meeting on citizen comments. The Board, however, after hearing from interested citizens, may place items on a future agenda so proper notice may be given to all interested parties.
 - If no one wishes to comment, the next scheduled agenda item will be considered.
- III. REQUESTS FOR WAIVERS – Chair MacLean. Waiver request log. None**
- IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER– Chair MacLean - Approval of petition log.**
 - A. Real Estate and Property Management Education LLC (DBA RPM Education LLC), Christian Bryant appearing
- V. BOARD ADVICE/ACTION – Commissioner Strode**
 - A. Law and Rule Required Course (LARRC) 2021-2022 – make recommendation for agency to finalize the draft outline as submitted
- VI. NEW BUSINESS – Commissioner Strode**
- VII. COMMUNICATIONS – ADMINISTRATIVE ACTIONS SUMMARY – Chair MacLean**
- VIII. REPORTS – Chair MacLean**
 - A. Commissioner Strode
 - B. Agency division reports-Deputy Commissioner Higley
 1. Regulations, Elli Kataura, Manager
 2. Land Development Division, Michael Hanifin, Manager
 3. Administrative Services Division, Mesheal Heyman, Manager
 4. Education and Licensing, Maddy Alvarado, Customer Service Manager
- IX. ANNOUNCEMENTS – Chair MacLean.** Next board meeting: 10.04.21 to begin at 10am via Zoom videoconference
- X. ADJOURNMENT – Chair MacLean**

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, June 7, 2021

BOARD MEMBERS PRESENT:

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

OREA STAFF PRESENT:

Steve Strobe, Commissioner
Anna Higley, Deputy Commissioner
Mesheal Heyman, Administrative Services Division Manager
Michael Hanifin, Land Development Division Manager
Rob Pierce, Regulations Division Compliance Coordinator
Leandra Hagedorn, Board Liaison

GUESTS PRESENT:

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 asks board liaison to conduct roll call and board members to introduce themselves.
- C. Approval of the Agenda and Order of Business.
- D. Approval of 04.05.21 regular meeting minutes.

MOTION TO APPROVE 04.04.21 REGULAR MEETING MINUTES BY DAVE HAMILTON

SECOND BY DEBRA GISRIEL

MOTION CARRIED BY UNANIMOUS VOTE

- E. Date of the Next Meeting: 08.02.21, to begin at 10am and will be held via Zoom video conference.

II. PUBLIC COMMENT – Chair MacLean. None.

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

III. REQUEST FOR WAIVERS – Chair MacLean. Log.

- A. Michael Paluska explained his background as an attorney he did not practice litigation and had over 25 years of experience in real estate law. Chair MacLean asked Mr. Paluska what experience he had with continuing education and Mr. Paluska responded that he had provided continuing education for the commercial industry members and for attorneys. Lawnae Hunter asked Mr. Paluska if he intended to operate a traditional brokerage, which would include supervising other brokers and he indicated that was his intention. Chair MacLean asked Mr. Paluska to elaborate on his current supervisory role and he explained that his practice consisted of one attorney and his management experience has been managing staff at various companies that he has owned. Dave Hamilton asked if he intended to continue to run his law firm and Mr. Paluska responded that he would.

MOTION TO APPROVE MICHAEL PALUSKA'S REQUEST FOR EXPERIENCE WAIVER BY PAT IHNAT

SECOND BY KIM HEDDINGER

MOTION CARRIED BY 8 YES VOTES (ALEX MACLEAN, PAT IHNAT, MARIE DUE, JOSE GONZALEZ, DEBRA GISRIEL, LAWNAE HUNTER, SUSAN GLEN, AND KIM HEDDINGER) AND ONE NO (DAVE HAMILTON)

IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER - CHAIR MACLEAN. None.

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

VI. NEW BUSINESS - Commissioner Strode. Commissioner Strode explained that legislative priorities were with the budget presentation and disclosure pamphlet updates.

VII. COMMUNICATIONS - ADMINISTRATIVE ACTIONS SUMMARY - Chair MacLean

VIII. REPORTS – Chair MacLean.

A. Commissioner Strode

- December 6, 2021 board meeting will be held in person and in Salem, location to be determined, and board orientation will be included on the agenda
- Agency office reopening
 - Reopen target date is mid-September 2021
 - Surveyed staff for schedule preferences
 - Office space reconfiguration to accommodate hybrid work environment

B. Agency division report - Deputy Commissioner Higley

1. Regulations, Deputy Commissioner Higley and Rob Pierce
 - Regulations Division Manager recruitment in progress and should be filled by July 1, 2021
 - Summary of statistics and information provided in written report
2. Land Development Division, Michael Hanifin
 - Summary of statistics and information provided in written report
 - Legislative update
3. Administrative Services Division, Mesheal Heyman
 - Summary of statistics and information provided in written report
4. Education and Licensing, Mesheal Heyman
 - Summary of statistics and information provided in written report
 - Yuleni Rodrigues was hired as bilingual (Spanish) receptionist
 - LARRC review will begin in the near future

IX. ANNOUNCEMENTS – Chair MacLean. Next board meeting: 08.02.21 to begin at 10am and will be held via Zoom video conference.

X. ADJOURNMENT – Chair MacLean

Respectfully submitted,

Respectfully submitted,

STEVE STRODE, COMMISSIONER

ALEX MACLEAN, BOARD CHAIR

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

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

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

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

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

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

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

AGENDA ITEM NO.

V.



**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 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 Real Estate and Property Management LLC (DBA RPM Education) Phone Number 503-999-0477

Physical Address 4 Touchstone Address Cont. Suite 69

City Lake Oswego State OR Zip Code 97035 County Clackamas

E-mail Info@RPMEducation.org

Mailing Address (if different) _____ Address Cont. _____

City _____ State _____ Zip Code _____ County _____

AUTHORIZED CONTACT PERSON

Prefix Mr. First Name Christian Last Name Bryant

Phone Number 503-999-0477 E-mail Info@RPMEducation.org

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

AGENCY USE ONLY

Approved by Board YES NO

Review Date _____

PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued

AUTHORIZATION AND ATTESTATION
<ul style="list-style-type: none"> ▶ 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:			
	Initials	Date Completed	Agency Use Only
I will complete the Continuing Education Provider Application and will pay the \$300 fee upon Board approval.	CJB	Jun 24, 2021	
I understand the requirements of an education provider as outlined in Oregon Administrative Rules (OAR) Chapter 863, Division 20.	CJB	Jun 24, 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.	CJB	Jun 24, 2021	
Petitioner has demonstrated their experience in providing educational courses to real estate licensees.	CJB	Jun 24, 2021	

Christian J Bryant Jr

 Printed Name of Authorized Individual

Date: June 24, 2021

Christian Bryant

 Signature of Authorized Individual

Real Estate Board,

First, I want to thank you for taking the time to consider our petition to qualify Real Estate and Property Management Education LLC (DBA RPM Education LLC) as a Certified continuing education provider. We have been creating and teaching continuing education classes around the state of Oregon for close to 10 years now. As you will see in the attached letter of recommendation, ORHA, the largest statewide landlord support and education association has relied on us to create their education classes, train their local presenters around Oregon, and to travel around Oregon to teach classes for their local associations. During this time there wasn't a need for us to be a certified CE provider as the associations hiring us were so our speaker and the class content just had to be qualified.

Two and a half years ago we were the ONLY landlord education organization awarded funds from the Portland Housing Bureau's Tenant/Landlord Education Grant. They have renewed this grant for us each fiscal year, including the upcoming 2021-2022 FY and we continue to be the only landlord educator awarded these grant funds. The first year they ordered 12 classes on Portland Landlord/Tenant laws and state law SB 608. The second year they ordered 22 virtual classes and 4 pre-recorded video classes on Portland LL/T laws, state law SB608, Eviction Moratorium, and FAIR Housing. For this upcoming fiscal year, they have ordered 22 virtual classes on all the same subjects with the option to add more if state or city laws change enough to warrant it. As you can see by their pattern of re-ordering classes and expanding the subjects we offer, they are happy with the quality of education we are providing landlords and realtors.

A byproduct of the Landlord Education Grant and COVID has been that we now have offer mostly virtual classes and have a strong web presence where our live and pre-recorded classes are available. Now the attendees at our RPM classes and the city of Portland grant sponsored classes far out numbers those that attend the classes put on by cert. CE provider associations like ORHA, RHA, NWREIA, and MFNW hire us to teach. This is why we have decided to apply to become a certified CE provider.

Over the last 10 years we have created and taught classes on many approved subjects like FAIR Housing, Property Management, Eviction law, Laws and best practices when selling a rental unit, habitability standards / laws, and many more. As the president & main teacher for RPM Education I have also been a principal broker and have owned a property management company / investor focused real estate sales company for around 12 years now. This experience gives me the expertise to teach additional topics like record-keeping, supervision responsibilities, Clients' trust accounts, Agency relationships, Advertising regs, RE Disclosures, and many others.

Regarding our ability to handle the administrative, tracking, and reporting responsibilities of a CE provider our president, Christian Bryant, holds the elected & volunteer position of President of the Portland Area Rental Owners Association. PAROA is a Certified CE Provider so Christian has many years of experience managing the administrative and tracking responsibilities expected of a CE provider.

Even though we don't meet the exact qualifications you have for becoming a CE provider we hope that the information laid out in this Petition demonstrate that we have experience in providing educational courses for real estate licensees and that we have expertise in the majority of the eligible course topics.

Sincerely,
RPM Education LLC



1462 Commercial St. NE
Salem, Oregon 97301
503.364.5468
fax 503.585.8119

Letter of Recommendation for
RPM Education

To whom it may concern,

This letter is to recommend RPM Education as the best creator and educator of Oregon Landlord/Tenant Law that I am aware of today. ORHA is a professional organization consisting of approximately 4,000 members distributed across the state of Oregon. Our purpose is to educate Landlords, typically regular people with other careers, on how to conduct our business in a nice and legal way in order to protect our "Mom and Pop" investments with the greatest sense of satisfaction for providing housing to others. RPM Education delivers these tools and is available to collaborate on developing content as laws and technology change.

Specifically:

- 1) RPM Education is the only company contracted by our organization to create Landlord/Tenant Education classes.
- 2) RPM Education messaging consistently emphasizes the importance of the collaborative communication process in the landlord/tenant relationship as well as action oriented processes to meet and exceed habitability standards.

On a personal level I have known Christian Bryant for three years. I have found him to be honest, hardworking and capable. His life and work experience reflect an understanding that profitability in property management is directly correlated with a clear understanding of the law and the cultivation of a healthy landlord/tenant relationship grounded in respect and consistent clear communication.

We are committed to understanding Oregon Landlord Tenant Law and educating our members on how to apply the law in ways that not only protect our largely Mom and Pop investment but that does so in a way that builds healthy communities.

You may rely on RPM Education to further your mission towards those goals.

Sincerely,

Sage Coleman
President, ORHA
541-404-0431 Text/Cell
sage@pacificproptiesteam.com
TeamPacPro.com

Law and Rule Required Course (LARRC)

Required Topics

Effective January 1, 2022 through December 31, 2023

Course Subject:

ADVERTISING RULES UPDATE – OAR 863 DIVISION 14, 15, 24 & 25

<https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=174>

[Oregon Real Estate News Journal December 2020](#)

Overview:

The Agency updated the administrative rules regulating real estate licensee advertising. The following rules were created or revised: [OAR 863-014-0067](#), [863-015-0125](#), [863-015-0145](#), [863-024-0067](#), and [863-025-0125](#).

Learning Objectives:

Upon completion of this course, the licensee will be able to:

- Define advertising.
- Explain brokers are now responsible for understanding and complying with the advertising rules.
- Understand principal brokers are no longer required to approve the advertising of their associated brokers.
- Explain a real estate licensee who is not the authorized licensee for a registered business as defined in 863-014-0063(1)(a) cannot overstate or misrepresent their role within the registered business name.
- Describe the requirement for advertising to be truthful and not deceptive.
- Recall property managers now have their own advertising rule in [OAR 863 division 25](#).
- Understand licensees can register an alternative name with the Agency to use in advertising.
- Outline the online registration process for the alternative name registration.
- Recall licensees must use *their license number* when advertising with a registered alternative name.
- Apply the requirements when advertising on social media.
- Understand licensees are no longer required to use “licensed in Oregon” in online advertising.

HOUSE BILL 2550

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2550/Enrolled>

Overview:

Directs a seller’s agent to reject communication from a buyer to a seller as necessary to help the seller avoid selecting a buyer based on race, color, religion, sex, sexual orientation, national origin, marital status, or familial status in violation of the Fair Housing Act.

Learning Objectives:

Upon completion of this course, the licensee will be able to:

- Apply this law directing a seller's broker to reject any communication other than customary documents in a real estate transaction, including photographs, provided by buyer.

HOUSE BILL 3113

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB3113/Enrolled>

Overview:

Clarifies exemptions on rent increase limits for landlords renting a residential dwelling unit regulated as affordable housing by a federal, state, or local government.

Learning Objectives:

Upon completion of this course, the licensee will be able to:

- Recall that a landlord who rents a dwelling unit regulated as affordable housing by federal, state, or local government is exempt from rent increase limits if the change in rent does not increase tenant's portion of the rent, or is required by program eligibility requirements or by a change in tenant's income.

SENATE BILL 278

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB278/Enrolled>

[Oregon Housing and Community Services Rent Guarantee Program](#)

Overview:

Requires landlords and courts to delay termination of residential tenancies for nonpayment for 60 days if tenant provides documentation of application for rental assistance.

Learning Objectives:

Upon completion of this course, the licensee will be able to:

- Explain the notice required with a termination for nonpayment of any charges.
- Understand the financial assistance available on a per-tenant basis, rather than a per-landlord basis.
- Explain the limits on Rent Guarantee Program Fund payments have increased from a maximum of \$5,000 per landlord to a maximum of \$5,000 per eligible tenant.
- Explain that landlords and courts must delay termination of residential tenancies for nonpayment for 60 days if the tenant provides documentation of application for rental assistance.
- Recognize implication if sales transaction occurs under the above conditions.

SENATE BILL 291

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/SB291/Enrolled>

Overview:

Requires landlords who require applicant screening charges to adopt certain written screening criteria made available to applicants before accepting application.

Learning Objectives:

Upon completion of this course, the licensee will be able to:

- Understand that a landlord is required to provide written notice of screening criteria upon requiring an applicant screening charge.
- Describe circumstances where landlords are required to provide applicants with certain information when issuing a denial.
- Explain that a landlord can only consider an applicant's history of previous arrests if the applicant was convicted of the charges or the charges are pending and the applicant is not currently participating in a diversion, conditional discharge, or deferral of judgement program on the charges.

FEDERAL AND STATE FAIR HOUSING LAWS (Implementing HB 2703)

[Fair Housing Act](#)

Overview:

The purpose of fair housing laws and rules is to prevent discrimination of people on the basis of a protected class during a property transaction. Federal, state and local regulations prohibits brokers, sellers, lenders, and insurers from adopting discriminatory policies against people in protected classes.

Oregon's House Bill 2703 was enacted to ensure Oregon real estate licensees learn about state and federal fair housing laws as part the continuing education requirement to renew an active license or reactivate a license. The new requirement becomes effective July 1, 2022.

The Fair Housing Act prohibits discrimination in the sale, rental, and financing of housing based on race, color, national origin, religion, sex, familial status, and disability. In addition to the federal protected classes, the state of Oregon has included additional protected classes, and many local governments have included even more.

Learning Objectives:

Upon completion of this course, the licensee will be able to:

- List the federal protected classes.
- Describe the history of discriminatory practices by regulators and industry professionals related to restricted covenants, redlining, blockbusting, and steering that led to the creation of the Fair Housing Act.
- Define blockbusting.
- Define redlining.
- Define steering.
- Define implicit bias.

- Define disparate impact.
- List Oregon's protected classes (source of income, domestic violence survivors, marital status, sexual orientation, and gender identity, see [Oregon Revised Statute \(ORS\) chapter 659A](#), [Oregon Administrative Rule chapter 839](#), and [ORS 90.445](#)) and compare with the federal protected classes.
- Identify when parties are exempt from the Fair Housing Act ([Federal Fair Housing Act Sec. 803\(b\)](#)).
- Describe the real estate property types covered in the Fair Housing Act ([Federal Fair Housing Act Sec. 803.](#)).
- Explain fair housing advertising guidelines ([Federal Fair Housing Act Sec. 804\(c\)](#)).
- Understand under what circumstances reasonable accommodations and reasonable modifications are necessary to allow persons with disabilities to enjoy their housing ([Federal Fair Housing Act Sec. 804\(f\)\(3\)](#))
- Understand the laws that govern protections from discrimination against disability at the federal level ([Federal Fair Housing Act Sec. 804](#)).
- Identify prohibited actions involving the sale and rental of housing under the Fair Housing Act ([Federal Fair Housing Act Sec. 804 through 806](#)):
 - **Real Estate Transaction:**
Based on protected classes, an individual subject to fair housing laws, including Oregon real estate licensees, **cannot**:
 - Refuse to sell or negotiate in the sale of housing.
 - Falsely deny that housing is available for an inspection.
 - Make housing unavailable.
 - Indicate any preference, limitation, or discrimination within any statement, advertisement, or published notice.
 - Discourage the purchase of a dwelling.
 - **Property Management:**
Based on protected classes, an individual subject to fair housing laws, including Oregon real estate licensees, **cannot**:
 - Discourage the rental of a dwelling.
 - Refuse to rent or negotiate, in the rental of housing.
 - Make housing unavailable.
 - Set different terms, conditions or privileges for the rental of a dwelling.
 - Provide a person different housing services or facilities.
 - Indicate any preference, limitation or discrimination within any statement, advertisement, or published notice.
 - Threaten, intimidate or interfere with a person's enjoyment of a dwelling. This includes visitors or associates of the tenant.
 - Threaten an employee or agent with firing or other negative action for any legal, non-discriminating, pro-regulatory, effort to help someone rent a unit.
 - Limit privileges, services or facilities of a dwelling.
 - Fail or delay maintenance or repairs.
 - Fail to investigate or address allegations that a tenant or group of tenants is harassing or threatening another tenant.

- Retaliate against a person who has made a complaint, testified, or in any way assisted with proceedings under the Fair Housing Act.
- **Rental Screening Process:**
Based on protected classes, an individual subject to fair housing laws, including Oregon real estate licensees, **cannot:**
 - Use different qualification criteria or applications.
 - Use different rental standard or procedures, such as income standards, application fees, credit analyses, or rental approval procedures or other requirements.
- Recognize prohibited actions relating to mortgage lending under the Fair Housing Act (Example: Refuse to make a mortgage loan or provide other financial assistance for a dwelling.).
- Cite contemporary examples of fair housing law violations that make these issues relevant today.
- Understand the two categories that fall under sexual harassment, quid pro quo and hostile environment.
- Recall Oregon Bureau of Labor & Industries (BOLI) is Oregon's governing agency that reviews complaints, regulates, and assesses civil penalties for fair housing violations.
- Understand that BOLI and the Oregon Real Estate Agency share complaint information and report findings regarding fair housing violations.
- Explain how to submit a fair housing complaint:
 - BOLI, Civil Rights Division ([here](#)).
 - U.S. Department of Housing and Urban Development ([here](#)).

Additional Resources:

U.S. Housing and Urban Development

- [Fair Housing Rights and Obligations](#)
- [Info for Real Estate Brokers and Agents](#)
- [Equal Housing Opportunities for Individual for Disabilities Overview](#)
- [Advertising and Marketing](#)
- [Memorandum on Guidance Regarding Advertisements Under § 804\(c\) of the Fair Housing Act](#)
- [Equal Housing Opportunity Graphics for Printing](#)
- [Fair Lending Guide](#)
- [Fair Housing Types of Housing Covered](#)

Oregon Bureau of Labor and Industries (BOLI)

- [Fair Housing Page](#)
- [Housing Discrimination Page](#)

Fair Housing Council of Oregon

- [Fair Housing Council of Oregon Home Page](#)
- [Information for Housing Providers](#)
- [Protected Classes in Oregon by City and County](#)

Law and Rule Required Course (LARRC)

Optional Topics

Effective January 1, 2022 through December 31, 2023

In addition to the required course topics listed above, a certified continuing education provider may include the following subjects.

2021 OREGON LEGISLATION

[House Bill 2037](#)

Increases limits for loans for certain business development projects made with moneys from Oregon Business Development Fund and provides annual adjustments of limits for changes in Consumer Price Index.

[House Bill 2009](#)

Establishes temporary limitation on lenders' remedies for borrowers' failures to make payments on obligations secured by mortgage trust deeds or land sale contracts for certain real property.

[House Bill 2534](#)

Requires homeowners associations and condominium associations to review governing documents and remove discriminatory language or certify the nonexistence of such language on or before December 31, 2022.

[House Bill 2583](#)

Prohibits establishment or enforcement of occupancy limits based on familial relationships on residential dwelling units by public bodies.

[House Bill 2966](#)

Relating to termination of commercial tenancies; and declaring an emergency. Extends grace period for repayment of rent for certain tenants.

[House Bill 3030](#)

Allows professional licensing boards to issue a nonrenewable temporary authorization to an individual who is the spouse of a member of the Armed Forces of United States stationed in Oregon and holds an eligible out-of-state authorization to provide occupational or professional service.

[Senate Bill 8](#)

Requires local governments to allow development of certain affordable housing on lands not zoned for residential uses.

[Senate Bill 282](#)

Extends grace period for repayment of residential rent accrued during emergency period of April 1, 2020, to June 30, 2021, until February 28, 2022.

[Senate Bill 458](#)

Allows land division to separate dwelling units for new middle housing allowed in cities.

[Senate Bill 765](#)

Makes permanent provisions allowing notary public to perform notarial act using communication technology for remotely located individuals under certain circumstances.

[Senate Bill 829](#)

Reorganizes and clarifies the process for eviction in foreclosure proceedings.

ADDITIONAL OPTIONAL TOPICS

- How to conduct business using eLicense, the Agency's online electronic licensing management system, including:
 - Registering an alternative name for the purposes of advertising.
 - Adding or removing clients trust accounts
 - Changing your legal name
 - Registered Business Name Renewal
 - Transferring in and inactivating a licensee
 - Renewing your license
- Review of recent administrative actions taken against licensees found in the [Oregon Real Estate News Journal](#).
- Review of recent articles found in the [Oregon Real Estate News Journal](#).
- Review of Oregon Administrative Rules chapter 863.
- Review the difference between statutes and rules.
- Review the role of the Oregon Real Estate Agency, including:
 - Education and examination for brokers, principal brokers and property managers.
 - Licensing and regulation of real estate principal brokers, brokers, property managers and escrow and escrow agents.
 - Regulation of condominiums, timeshare and campground registrations, real estate marketing organizations, out-of-state subdivisions, and certain manufactured dwelling subdivisions.
 - Investigation of complaints against real estate licensees and escrow agents, and investigation of cases of unlicensed professional real estate activity.
- Issues concerning radon, including information to alert potential buyers of one- and two-family dwellings.

**REAL ESTATE BOARD
REGULATION DIVISION REPORT
August 2, 2021**

Regulation Division Manager: Elli Kataura
Compliance Specialists 3 (Lead Reviewers): 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 Regulations Division Manager has been filled by Elli Kataura. Elli joins the Agency from the Department of Education’s Early Learning Division, Office of Child Care, where she managed a team of Investigators. Prior to this role Elli has held management and policy analyst positions with the Oregon Department of Human Services, Child Welfare Division.

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 7/21/21</u>
Complaint	40	44	33	25	20	26	19	21	33
Investigation***	50	56	73	66	64	87	76	46	45
(# of Investigators)	6	7	7	7	7*	6-7**	7	7	7
Admin Review	27	33	28	40	35	61	21	14	10
Settlement Process	19	22	38	34	45	46	23	9	8

* 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.

ADMINISTRATIVE ACTIONS

Reported

5/21/21 through 7/16/21

REVOCATIONS

None

SUSPENSIONS

None

REPRIMANDS

Leiner, Jason Scott (Portland), Principal Broker 200907119, Stipulated Final Order dated May 21, 2021, issuing a reprimand.

Robbins, Sean (Newport Beach, CA), Principal Broker 201206043, Stipulated Final Order dated June 9, 2021, issuing a reprimand.

Walsh, Abraham (Clackamas), Property Manager 201213877, Stipulated Final Order dated June 15, 2021, issuing a reprimand.

Hamley, Joel C. (Happy Valley), Principal Broker 200411095, Stipulated Final Order dated June 18, 2021, issuing a reprimand and a limited license.

Hall, Eric W. (Hillsboro), Principal Broker 780203530, Stipulated Final Order dated July 8, 2021, issuing a reprimand.

Kennedy, Karen Lynn (Gold Beach), Principal Broker 200509207, Stipulated Final Order dated July 16, 2021, issuing a reprimand.

CIVIL PENALTIES

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

Unlicensed Activity

None

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
JASON SCOTT LEINER) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Jason Scott Leiner (Leiner) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Leiner was licensed as a principal broker. From January 23, 2018, through January 31, 2020, Leiner was the licensee in of Homestead Properties, Inc. (Homestead). On February 4, 2020, Leiner moved his license to Richmond American Homes of Oregon, Inc.

1.2 In November 2020, Leiner sold Homestead’s property portfolio to Oregon Rental Property Management. Per Leiner, his assistant, Kera Crabtree took over the property management after he left. After Crabtree left Homestead on November 16, 2020, no other licensee was associated with Homestead. After Crabtree left Homestead, Leiner handled the transfer of funds to Oregon Rental Property Management and closing the bank accounts.

1.3 In September 2019, The Agency selected Homestead for a mandatory clients’ trust account review for clients’ trust account ending in #0295. The Agency opened an investigation in March 2020.

1.4 As part of the investigation, Leiner provided November 2020 through January 2021 check registers for clients’ trust accounts ending #0287 and #0295. Some account entries for #0287 failed to note the payee and purpose of receipts and disbursements. For the

1 account ending in #0295, all journal entries failed to note the purpose of receipt and
2 disbursement, and multiple other entries were missing the payee information.

3 **(1) Violation:** The check registers for clients' trust accounts ending in #0287 and #0295
4 lacked the required detail (purpose of the funds and identity of the person who tendered the
5 funds), in violation of ORS 696.301(3) as it incorporates OAR 863-025-0040(2)(a)(C),
6 (2)(b)(C), and (D) (1/01/2020 and 1/1/2021 Editions), which state: (2) a record of receipts and
7 disbursements or a check register must contain at least the following information: (a) for each
8 receipt of funds: (C) the purpose of the funds and identity of the person who tendered the
9 funds. (b) for each disbursement of funds: (C) the check number and payee of the
10 disbursement; and (D) the purpose of the disbursement.

11 1.5 Upon opening Homestead, Leiner said he went to the bank and opened the
12 accounts believing they were set up as clients' trust accounts. When he was asked to provide
13 a Notice of Clients' Trust Account form from the bank for the reconciliation review, the bank
14 refused to sign the form because the accounts he had were not actual clients' trust account.
15 Leiner then went through the process of opening two new clients' trust accounts.

16 1.6 On December 9, 2019, Leiner provided a Notice of Clients' Trust Account and
17 Authorization to Examine for two new clients' trust accounts ending in #9063 and #9071. The
18 forms were acknowledged by a US Bank representative on November 22, 2019. When Leiner
19 provided the documents to the Agency, neither of these accounts was reported in the Agency
20 licensing software as required.

21 **(2) Violation:** In November 2019, Leiner opened two clients' trust accounts, however, he
22 failed to notify the Agency in violation of ORS 696.301(3) as it incorporates ORS 696.245(2)
23 (2019 Edition) and OAR 863-025-0025(3) (01/01/2019 Edition). OAR 863-025-0025(3) states
24 within 10 business days from the date a clients' trust account is opened, the property manager
25 must notify the Agency using an online process established by the Agency. This notification
26 will include the information required in ORS 696.245, including a copy of the completed and
27 signed "Notice of Clients' Trust Account and Authorization to Examine." Per ORS 696.245(2),
28 within 10 business days from the date a clients' trust account is opened, a licensed real estate
29 property manager or principal real estate broker shall notify the Real Estate Agency that the
30 account has been opened. The notice must include the required information noted in (a)-(e).

1 1.7 Leiner submitted a reconciliation dated January 10, 2020, for account ending in
2 #0295 prepared by Guy Schoenborn (Schoenborn). Leiner used Schoenborn for all accounting
3 and bookkeeping. Schoenborn was in charge of entering data and preparing reconciliation
4 reports. Leiner did not review the monthly reconciliation reports and did not have any written
5 delegation of authority for Schoenborn.

6 **(3) Violation:** Schoenborn prepared the monthly reconciliations for accounts ending in
7 #0287 and #0295; however, Leiner failed to review the reconciliation reports in violation of
8 ORS 696.301(3) as it incorporates OAR 863-025-0028(2)(d)(A), (B), and (3)(d)(A), (B)
9 (01/01/2020 Edition), which states: (2) a property manager must reconcile each clients' trust
10 account within 30 calendar days of the date of the bank statement pursuant to the
11 requirements contained in this section. (d) Within 30 calendar days from the date of the bank
12 statement, the property manager must: (A) complete the reconciliation document; and (B) sign
13 and date the reconciliation document, attesting to the accuracy and completeness of the
14 reconciliation. (3) A property manager must reconcile each security deposits account within 30
15 calendar days of the bank statement date pursuant to the requirements contained in this
16 section. (d) Within 30 calendar days of the date of the bank statement, the property manager
17 must: (A) complete the reconciliation document; and (B) sign and date the reconciliation
18 document attesting to the accuracy and completeness of the reconciliation.

19 **(4) Violation:** By failing to have a written delegation for Schoenborn to review and approve
20 monthly reconciliations, Leiner violated ORS 696.301(3) as it incorporates OAR 863-025-
21 0015(5)(b) (01/01/2020 Edition) which states (5) the following delegations of the property
22 manager's authority must be in writing, dated and signed by the property manager and signed
23 by the individual who is receiving the authority, and kept with written policies: (b) review and
24 approve reconciliations and receive and disburse funds under OAR 863-025-0025(23).

25 1.8 According to Cathie Velasco (Velasco), property manager with Oregon Rental
26 Property Management (ORPM), Homestead's property portfolio transfer took effect December
27 1, 2020.

28 1.9 The December 2020 bank statement for account ending in #0287, holding tenant
29 security deposits, had a beginning balance of \$67,573.36. It appears all funds were
30 transferred to account ending in #0295 and had a month-end balance of zero. No funds were

1 deposited into the account in January 2021.

2 1.10 The December 2020 bank statement for account ending in #0295 had an ending
3 balance of \$2,038.00. It appears Homestead collected some rents and disbursed \$99,278.64.
4 Leiner said his bookkeeper advised him to deposit \$1,500 from Homestead's operating
5 account on December 24, 2020, to cover any outstanding expenses.

6 **(5) Violation:** In December 2020, Leiner deposited money from the operating account of
7 Homestead Properties, Inc. into clients' trust account ending in #0295 in violation of ORS
8 696.301(3) as it incorporates ORS 696.241(5) (2019 Edition), which states, a principal real
9 estate broker or licensed real estate property manager may not commingle any other funds
10 with the trust funds held in a clients' trust account.

11 1.11 Linda Knuth (Knuth), bookkeeper for ORPM, provided a report showing the trust
12 funds to be transferred from Homestead. A total of \$87,702.66 was paid to ORPM, \$29,615.13
13 in owner funds, and \$58,087.53 in security deposits. The report indicates three negative
14 owner ledger balances totaling \$1,030.40. Knuth confirmed the difference was corrected and
15 paid by Homestead.

16 **(6) Violation:** It appears there were negative owner ledger balances when the property
17 portfolio was transferred to Oregon Rental Property Management in violation of ORS
18 696.301(3) as it incorporates OAR 863-025-0027(3) (01/01/2020 Edition), which states, a
19 property manager may not disburse funds from a clients' trust account or security deposit
20 account unless there are sufficient funds, as defined in OAR 863-025-0010, in the ledger
21 account against which the disbursement is made.

22 1.12 Per Knuth and Velasco, from January 2021 through March 2021, rent payments
23 continued to be deposited in the Homestead account. The December 2020 bank statements
24 notes a \$900.00 deposit on the 31st, and the January 2021 bank statement notes a \$900
25 deposit on the 29th. Knuth confirmed receiving a reimbursement for these rent payments from
26 Leiner.

27 **(7) Violation:** After the property portfolio transferred to Oregon Rental Property
28 Management, Homestead continued to collect rent, demonstrating incompetence and
29 untrustworthiness in performing an act for which a real estate licensee is required to hold a
30 license in violation of ORS 696.301(12) (2019 Edition).

1 1.13 A lease agreement between Juan Lopez and Homestead was signed and dated
2 by Leiner on October 20, 2020, while Leiner's license was associated with the registered
3 business name Richmond American Homes of Oregon.

4 **(8) Violation:** On October 20, 2020, Leiner prepared and signed a lease agreement for
5 Juan Lopez under Homestead while Leiner's license was associated with Richmond American
6 Homes of Oregon in violation of ORS 696.301(3) as it incorporates OAR 863-014-0095(7)
7 (01/01/2020 Edition), which states, a principal broker may not engage in professional real
8 estate activity under more than one registered business name unless the business entity is an
9 affiliate or subsidiary organization.

10 1.14 All of the above demonstrates incompetence and untrustworthiness in performing
11 acts for which Leiner is required to hold a license. Leiner engaged in conduct below the
12 standard of care for the practice of professional real estate activity.

13 **(9) Violation:** ORS 696.301 (12) and (15) (2019 Edition), which states a licensee's real
14 estate license may be disciplined if they have: (12) demonstrated incompetence or
15 untrustworthiness in performing any act for which the licensee is required to hold a license.
16 (15) engaged in any conduct that is below the standard of care for the practice of professional
17 real estate activity in Oregon as established by the community of individuals engaged in the
18 practice of professional real estate activity in Oregon.

19 1.15 Leiner stated he currently has no interest in getting back into property
20 management activity.

21
22 2.

23 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.
24 Based on these violations, a reprimand is appropriate for violations of ORS 696.301(3), (12),
25 and (15).

26 2.2 The Agency reserves the right to investigate and pursue additional complaints
27 that may be received in the future regarding this licensee.

28 2.3 In establishing the violations alleged above, the Agency may rely on one or more
29 of the definitions contained in ORS 696.010.

30 2.4 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a

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

8
9 **STIPULATION & WAIVER**

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

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

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

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ORDER

IT IS HEREBY ORDERED that Jason Scott Leiner's principal broker license be, and hereby is reprimanded.

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:
Jason Leiner
B4179287726D49A...
JASON SCOTT LEINER

DocuSigned by:
Steven Strode
D141D267DDE14A0...
STEVEN STRODE



Date 5/21/2021 | 10:21 AM PDT

Date 5/21/2021 | 10:59 AM PDT

Date of Service: 05/21/2021

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

SEAN ROBBINS

STIPULATED FINAL ORDER

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

FINDINGS OF FACT

&

CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Robbins was licensed as a principal broker with Pacific Realty Northwest, LLC.

1.2 In December 2018, Gabe Terreson (Terreson) filed a complaint against Robbins and the Agency opened an investigation.

1.3 Terreson represented the seller for property located at 11520 Harold Street, Portland Oregon (subject property).

1.4 The seller had accepted an offer on the subject property from buyer Property Max LLC. Jesse Stolz (Stolz) was the signer on behalf of Property Max LLC for the offer. The offer was written by Alley Dillenburger (Dillenburger), a broker with Pacific Realty Northwest LLC. Robbins had hired Dillenburger to write offers for him on properties that looked like good investment opportunities.

1.5 Stolz and Robbins owned Property Max LLC. Robbins did not disclose he was a principal to the subject property transaction, or that he was a real estate licensee. Dillenburger, who wrote the offer for the subject property on Robbins' behalf, failed to disclose that Robbins was a real estate licensee.

1 **(1) Violation:** By failing to disclose in the offer written by Dillenburger that he was a real
2 estate licensee, Robbins violated ORS 696.301(3) as it incorporates OAR 863-015-0145(1) (1-
3 1-18 Edition) which states: (1) If a real estate licensee, whether active or inactive, either
4 directly or indirectly offers or negotiates for the sale, exchange, lease option, or purchase of
5 real estate within this state and the licensee is a principal to the transaction, the license must
6 disclose to the other party to the offer or transaction the licensee is a real estate licensee. The
7 licensee must make the disclosure in any advertising or display signs, and it must appear in
8 writing on at least the first written document of agreement concerning the offer or transaction.
9 The disclosure set forth on the agreement document must also state that the licensee is
10 representing himself or herself as either the buyer or seller in the transaction.

11 1.6 Robbins failed to review the purchase and sales agreement that was drafted by
12 Dillenburger on the subject property. According to Robbins, he did not review documents or
13 get involved with the day to day business deals.

14 1.7 After the inspection period expired the transaction was mutually terminated.

15 **(2) Violation:** By failing to review the purchase and sales agreement on the subject
16 property Robbins violated ORS 696.301(3) as it incorporates OAR 863-015-0140(1)(3)(4) (1-1-
17 18 Edition) which states: (1) No principal broker may allow any individual to use the principal
18 broker's license for the sole purpose of allowing other real estate licensees to engage in
19 professional real estate activity when the principal broker's only interest is receiving a fee for
20 the use of the principal broker's license by others when the principal broker only nominally
21 supervises the professional real estate activity conducted under the principal broker's license.
22 (3) A principal broker must supervise and control the professional real estate activity at any
23 main or branch office registered by the principal broker. (4) The principal broker must directly
24 supervise the licensees associated with the principal broker in fulfilling their duties and
25 obligations to their respective clients. The principal broker must review each document of
26 agreement generated in a real estate transaction within seven banking days after it has been
27 accepted, rejected, or withdrawn. If the document of agreement originates in a branch office,
28 the principal broker who manages the branch office under ORS 696.200 may review such
29 document. The document review may be done electronically or in hard copy. If the principal
30 broker reviews a document electronically, the principal broker or the principal broker who is the

1 branch office manager must make an electronic record of the review showing the name of the
2 reviewer and the date of the review. If the principal broker reviews such document in hard
3 copy, the principal broker or principal broker who manages the branch office must initial and
4 date the document in writing at the time of review.

5 1.8 The above violations demonstrate incompetence or untrustworthiness in
6 performing any act for which the real estate licensee is required to hold a license.

7 **(3) Violation:** ORS 696.301(12) (2017 Edition) which states a licensee's real estate license
8 may be disciplined if they have demonstrated incompetence or untrustworthiness in performing
9 any act for which the real estate licensee is required to hold a license.

10 2.

11 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.
12 Based on these violations a reprimand is appropriate for violations of ORS 696.301(3) and
13 (12).

14 2.2 The Agency reserves the right to investigate and pursue additional complaints
15 that may be received in the future regarding this licensee.

16 2.3 In establishing the violations alleged above, the Agency may rely on one or more
17 of the definitions contained in ORS 696.010.

18 2.4 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a
19 real estate license, whether by operation of law, order of the Real Estate Commissioner or
20 decision of a court of law, or the inactive status of the license, or voluntary surrender of the
21 license by the real estate licensee does not deprive the commissioner of jurisdiction to: (1)
22 proceed with an investigation of the licensee; (2) conduct disciplinary proceedings relating to
23 the licensee; (3) Take action against a licensee, including assessment of a civil penalty against
24 the licensee for a violation of ORS 696.020(2); or (4) revise or render null and void an order
25 suspending or revoking a license.

26
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.

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

15 ORDER

16 IT IS HEREBY ORDERED that Sean Robbins' principal broker license be, and hereby is
17 reprimanded.

18
19
20 IT IS SO STIPULATED:

IT IS SO ORDERED:

21
22 DocuSigned by:
23 Sean Robbins
711A4E745FB14CA...
24 SEAN ROBBINS

DocuSigned by:
23 Steven Strode
D141D267DDE14A0...
24 STEVEN STRODE



25
26 Date 6/8/2021 | 4:27 PM PDT

Real Estate Commissioner
26 Date 6/9/2021 | 8:08 AM PDT

27
28 Date of Service: 06/09/2021

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
ABRAHAM WALSH) STIPULATED FINAL ORDER

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

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.1 At all times mentioned herein, Walsh was licensed as a property manager with Legacy Property Management.

1.2 On October 28, 2019, the Agency received a complaint from David George (George) against Walsh. The Agency opened an investigation.

1.3 George owned three properties in Portland, 42B located at 830-848 SE 42nd Ave (42B), Walnut Grove Apartments located at 3835 NE 152nd Ave (Walnut Grove), and Stark Street Townhomes located at 15847 SE Stark St (Stark Street).

1.4 The property management agreement for Stark Street was signed by Walsh and George on February 26, 2019. The property management agreement for 42B was signed on March 1, 2019, and the property management agreement for Walnut Grove was signed on March 12, 2019.

1.5 Walsh is the owner and sole property manager for Legacy Property Management. Sandy Carr (Carr) is the Accounting Manager at Legacy and has worked there for four years. Carr is responsible for the completion of the monthly clients' trust account reconciliations.

1 1.6 On December 15, 2020, Agency Investigator/Financial Auditor Cidia Nanez
2 emailed Walsh and Carr requesting a copy of the Delegation of Authority for Carr. As of
3 December 22, 2020, Nanez had not received a response to that request. Walsh did later
4 provide a copy of the document to the Agency.

5 **(1) Violation:** Walsh was asked to provide a Delegation of Authority for Carr and he failed
6 to produce the document timely, violating ORS 696.301(3) as it incorporates OAR 863-0025-
7 0035(2)(a) (1/1/2020 Edition) which states: (2) a property manager must produce records
8 required under section (1) of this rule for inspection by the Agency as follows: (a) When the
9 Agency makes a request for production of property management records, the property
10 manager must provide such records within no less than five banking days.

11 1.7 Per the terms of the property management agreement for all three of George's
12 properties, the agent's compensation was based on "a monthly management fee of 4% of the
13 gross collected monthly income." A review of the owner statements for the three properties
14 show the management fee, when calculated, included utility payments (payments made by the
15 tenant to the property manager to cover utilities) as income when the 4% management fee
16 was charged in the following instances, which was not explicitly stated in the property
17 management agreement:
18

- 19 • July 2019 owner statement for 42 B shows management fees paid to Legacy of
20 \$47.80, which is 4% of the rental income plus the utility payment from Phillip
21 Stressman.
- 22 • July 2019 owner statement for Walnut Grove shows all the rent income plus the
23 utility payment recorded on July 8, 2019, equals \$3,748.52 and 4% of that is the
24 management fee of \$149.94 collected by Legacy on July 8, 2019.
- 25 • August 2019 owner statement for Stark Street shows the management fee of
26 \$2.60 collected by Legacy on August 6, 2019, which was 4% of the utility
27 payment from Cynthia Sykes.

28 **(2) Violation:** By charging management fees against utility payments (which were counted
29 as income), which was not explicitly stated in the property management agreement, Walsh
30 violated ORS 696.301(3) as it incorporates ORS 696.890(3),(4)(a),(c),(e),(f) (2019 Edition),

1 which states: (3) a real estate property manager may engage in the management of rental real
2 estate for an owner of rental real estate only pursuant to a property management agreement.
3 (4) A real estate property manager owes the property owner the following affirmative duties: (a)
4 to deal honestly and in good faith; (c) to exercise reasonable care and diligence; (e) to act in a
5 fiduciary matter in all matters relating to trust funds; (f) and to be loyal to the owner by not
6 taking action that is adverse or detrimental to the owner's interest.

7 1.8 On July 26, 2019, George sent Legacy a termination notice via email. The
8 effective date of the termination was August 25, 2019. The final accounting and final payment
9 was made to George on November 27, 2019. The date of the final payment was 94 days after
10 the effective date of termination.

11 **(3) Violation:** Walsh submitted the final accounting and final payment to George 94 days
12 after the effective date of termination, in violation of ORS 696.301(3) as it incorporates OAR
13 863-025-0070(2)(a),(b)(A),(B) (1/1/2019 Edition) and ORS 696.890(4)(c),(e) (2019 Edition).
14 OAR 863-025-0070(2)(a),(b)(A),(B) states: (2) not later than 60 days after the effective date of
15 the termination, the property manager must: (a) disburse all obligated funds to the party or
16 parties entitled to the funds; (b) Provide the owner with the following: (A) a final accounting of
17 the owner's ledger account; (B) all funds belonging to the owner as shown on the owner's
18 ledger, unless the owner directs the property manager, in writing, to transfer the funds to
19 another property manager, escrow agent or person. Per ORS 696.890(4)(c),(e): (4) a real
20 estate property owner owes the property owner the following affirmative duties: (c) to exercise
21 reasonable care and diligence; and (e) to act in a fiduciary manner in all matters relating to
22 trust funds.

23
24 1.9 According to Carr, they had set up 50 new bank accounts for all their property
25 owners. On November 25, 2020, Nanez emailed Walsh informing him of the requirement to
26 register the accounts with the Agency within 10 business days from the date the accounts
27 were opened, which had not been done. Nanez requested Walsh register the new accounts
28 by December 10, 2020 with the Agency. As of December 18, 2020, the 50 clients' trust
29 account had not been registered with the Agency.
30

1 **(4) Violation:** Walsh opened 50 new clients' trust accounts and failed to have them
2 registered with the Agency within 10 business days from the date the client's trust accounts
3 were opened. On November 25, 2020, Walsh was asked to register his clients' trust accounts
4 with the Agency within 10 business days and failed to do so, violating ORS 696.301(3) as it
5 incorporates OAR 863-025-0025(3) 1/1/2020 Edition) and 696.245(2)(a),(b),(c),(d),(e) (2019
6 Edition). OAR 863-025-0025(3) states: within 10 business days from the date a clients' trust
7 account is opened, the property manager must notify the Agency using an online process
8 established by the Agency. The notification will include the information required in ORS
9 696.245, including a copy of the completed and signed "Notice of Clients' Trust Account and
10 Authorization to Examine." ORS 696.245(2)(a),(b),(c),(d),(e) states: (2) within 10 business
11 days from the date a clients' trust account is opened, a licensed real estate property manager
12 or principal real estate broker shall notify the Real Estate Agency that the account has been
13 opened. The notice must include information about the clients' trust account, including but not
14 limited to: (a) the name of the bank where the account is located; (b) the account number; (c)
15 the name of the account;(d) the date the account was opened; (e) and an acknowledged copy
16 of the notice.

17
18 1.10 Per the Stark Street property management agreement, "All utility charges, as
19 appropriate, shall be paid by the tenant during the tenant's occupancy."

20 1.11 A comparison of the utilities collected against the utilities that were paid for two
21 months for Stark Street showed utilities were under collected. In April 2019, funds received for
22 utilities is \$347.00 less than what was disbursed from George's owner ledger. In May 2019,
23 the funds received for utilities is \$3,324.82 less than what was disbursed from George's owner
24 ledger.

25 1.12 Per the 42B property management agreement, "All utility charges, as
26 appropriate, shall be paid by the tenant during the tenant's occupancy."

27 1.13 A review of utilities collected vs paid for 43B shows utilities were under collected.
28 In April 2019, funds received for utilities was \$808.57 less than what was disbursed. In May
29 2019, funds received for utilities was \$177.80 more than was disbursed, leaving a combined
30 net shortage of \$630.77 for the two months.

1 1.14 Per the Walnut Grove property management agreement, “All utility charges, as
2 appropriate, shall be paid by the tenant during the tenant’s occupancy.”

3 1.15 A review of utilities collected vs paid, showed utilities were under-collected. In
4 April 2019, the funds received for utilities was \$33.09 more than what was disbursed. In May
5 2019, the funds received for utilities was \$231.57 less than what was disbursed, leaving a
6 combined net shortage of \$198.48 for the two months.

7 1.16 In his interview with Nanez, Wash said George did not want Legacy paying all
8 the utilities that George wanted to pay with his credit card so he could get the miles. When
9 asked if they had ever talked through the utilities issue to try to figure it out, Carr indicted they
10 had, but never seemed to get it correct.

11 **(5) Violation:** Walsh failed to ensure a procedure to manage the receipts and
12 disbursements of utility billings, which caused income loss for George, violating ORS
13 696.301(3) as it incorporates ORS 696.890(3),(4)(a),(c),(e),(f) (2019 Edition) which states: (3)
14 a real estate property manager may engage in the management of rental real estate for an
15 owner of rental real estate only pursuant to a property management agreement. (4) a real
16 estate property manager owes the property owner the following affirmative duties: (a) to deal
17 honestly and in good faith; (c) to exercise reasonable care and diligence; (e) to act in a
18 fiduciary manner in all matters relating to trust funds; (f) and to be loyal to the owner by not
19 taking action that is adverse or detrimental to the owner’s interest.

20 1.17 On October 14, 2020, Nanez sent an email requesting a 3 way reconciliation for
21 clients’ trust account ending in #8232 for April, May and June 2019.

22 1.18 On October 22, 2020 Nanez requested 3 way reconciliations for clients’ trust
23 account ending in #8244 for April, May and June 2019. Nanez compared the reconciliations
24 received for 2019 against the reconciliations received in Walsh’s prior investigation with the
25 Agency and found many of the reconciliations were not in balance and many of the
26 outstanding deposits and checks remained unresolved.

27 1.19 For clients’ trust account ending in #8244, the following was noted:

- 28 • Trust account reconciliation for September 2017 showed Part IV (the difference
29 between the three parts) was \$1,431.68.
30

- 1 • Trust account reconciliation for October 2017, Part IV was \$2,604.73
- 2 • Trust account reconciliation for April 2019, Part IV was \$30,576.38 and remained
- 3 the same for May and June 2019.

4 **(6) Violation:** Records indicate Walsh's clients' trust account ending in #8224 was out of
5 balance by \$30,576.38 in April, May and June 2019, violating ORS 696.301(3) as it
6 incorporates OAR 863-0025-0028(4) (1/1/2019 Edition) and ORS 696.890(4)(c)(d)(e) (2019
7 Edition). OAR 863-025-0028(4) states: a property manager must take corrective action to
8 resolve all adjustments made in a reconciliation prior to the next reconciliation or document the
9 good faith efforts the property manager has taken to resolve the adjustment.
10 696.890(4)(c),(d),(e) states, (4) a real estate property manager owes the property owner the
11 following affirmative duties: (c) to exercise reasonable care and diligence; (d) to account in a
12 timely manner for all funds received from or on behalf of the owner; (e) and to act in a fiduciary
13 manner in all matters relating to trust funds.

14 1.20 For clients' trust account ending in #8244, the following was noted:

- 15 • Trust account reconciliation for September 2017, showed Part IV (the difference
- 16 between the three parts) was \$27,340.14.
- 17 • Trust account reconciliation for October 2017, showed Part IV was \$60,261.97.
- 18 • Trust Account Reconciliations for April 2019 showed the amount of difference
- 19 between Part I and Part III was \$30,286.36.
- 20 • Trust Account Reconciliations for May 2019 showed the amount of difference
- 21 between Part I and Part II was \$27,487.36.
- 22 • Trust Account Reconciliations for June 2019 showed the amount of difference
- 23 between Part I and Part III was \$27,619.36.
- 24

25 **(7) Violation:** Records indicate Walsh's clients trust account ending in #8232 was out of
26 balance by \$30,286.36 in April, \$27,487.36 in May and \$27,619.36 in June 2019, violating
27 ORS 696.301(3) as it incorporates OAR 863-0025-0028(4) (1/1/2019 Edition) and ORS
28 696.890(4)(c),(d),(e) (2019 Edition). OAR 863-0025-0028(4) states: a property manager must
29 take corrective action to resolve all adjustments made in a reconciliation prior to the next
30

1 reconciliation or document the good faith efforts the property manager has taken to resolve the
2 adjustment. ORS 696.890(4)(c),(d),(e) states: (4) a real estate property manager owes the
3 property owner the following affirmative duties: (c) to exercise reasonable care and diligence;
4 (d) to account in a timely manner for all funds received from or on behalf of the owner; and (f)
5 to act in a fiduciary manner in all matters relating to trust funds.

6 1.21 The above violations demonstrate incompetence, or untrustworthiness in
7 performing any act for which Walsh is required to hold a license.

8 **(8) Violation:** ORS 696.301(12) (2019 Edition) which states a licensee's real estate
9 license may be disciplined if they have demonstrated incompetence or untrustworthiness in
10 performing any act for which the real estate licensee is required to hold a license.

11 1.22 Walsh's license was disciplined before. In August 2018, Walsh's signed a
12 stipulated final order and his property manager license was reprimanded and he was ordered
13 to complete the 27-hour Property Manager Advanced Practices course.

14 1.23 For the current case, Walsh was able to provide mitigating information and
15 supporting documentation that demonstrated reconciled clients' trust accounts and addressed
16 other non-compliance issues.
17

18
19 2.

20 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.
21 Based on these violations a reprimand is appropriate for violations of ORS 696.301(3) and
22 (12).

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

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

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

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

5
6 **STIPULATION & WAIVER**

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

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

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

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ORDER

IT IS HEREBY ORDERED that Abraham Walsh’s property manager license be, and hereby is reprimanded.

IT IS SO STIPULATED:

IT IS SO ORDERED:



DocuSigned by:
Abraham Walsh
8E5F825CC615400...
ABRAHAM WALSH

DocuSigned by:
Steven Strode
D141D267DDE14A0...
STEVEN STRODE

Date 6/14/2021 | 12:17 PM PDT

Date 6/15/2021 | 7:55 AM PDT

Date of Service: 06/15/2021

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
JOEL C. HAMLEY) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Joel C. Hamley (Hamley) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW
1.

1.1 At all times mentioned herein, Hamley was licensed as a principal broker. Prior to December 1, 2020, Hamley’s license was affiliated with Meadows Group, Inc., Realtors. In December 2020, the company was acquired by John L. Scott Oregon, Inc. and Hamley’s license became associated with John L. Scott Oregon, Inc effective December 1, 2020.

1.2 In September 2020, the Agency received a complaint from Alexander Mayan (Mayan) and the Agency opened an investigation.

1.3 In July 2020 Alexander and Candice Mayan (Mayans) listed their home located at 4349 NE 78 Ave, Portland, OR (subject property) for sale. Mayan had installed a security video surveillance system in the garage to monitor activity in the space through real-time notifications and live and recorded video.

1.4 On July 18, 2020, Hamley entered the subject property with the purpose of previewing the property. While in the Mayans’ home, Hamley opened and looked through drawers, and touched and examined their personal belongings with no legitimate purpose to do so.

1.5 On January 28, 2021, during an interview with Agency staff, Hamley described

1 the listing agent contacting him to relay the Mayans had viewed his actions in their home via
2 their video surveillance systems. Hamley stated, “He asked if I was in the garage going
3 through stuff. I said I was trying to get to utilities when I saw the boxes in front of me that I
4 picked some items from.”

5 1.6 Footage from the video shows Hamley walked in a straight line from the interior
6 garage entrance directly toward what Mayan described as the medicine cabinet.

7 1.7 During his January 28th interview, Hamley was shown the video footage from the
8 garage, which showed a man looking through, touching, and examining the Mayans’ personal
9 belongings. Hamley confirmed he was the man in the video.

10 1.8 During his interview, Hamley stated he opened the Mayans’ cabinet and
11 examined medicine bottles out of “curiosity sake.”

12 1.9 Hamley’s actions described above demonstrated untrustworthiness in performing
13 any act for which Hamley is required to hold a license, and Hamley engaged in conduct that is
14 below the standard of care for the practice of professional real estate activity in Oregon.

15 **Violation:** ORS 696.301(12) and (15) (2019 Edition) which states a licensee’s real
16 estate license may be disciplined if they have: (12) Demonstrated untrustworthiness in
17 performing any act for which the real estate licensee is required to hold a license. (15)
18 Engaged in any conduct that is below the standard of care for the practice of professional real
19 estate activity in Oregon as established by the community of individuals engaged in the
20 practice of professional real estate activity in Oregon.

21
22 2.

23 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.
24 Based on these violations a reprimand is appropriate for violations of ORS 696.301(12) and
25 (15).

26 2.2 The Agency reserves the right to investigate and pursue additional complaints
27 that may be received in the future regarding this licensee.

28 2.3 In establishing the violations alleged above, the Agency may rely on one or more
29 of the definitions contained in ORS 696.010.

30 2.4 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a

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

8
9 **STIPULATION & WAIVER**

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

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

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

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ORDER

IT IS HEREBY ORDERED that Joel C. Hamley's principal broker license be, and hereby is reprimanded.

IT IS FURTHER ORDERED that Hamley be issued a principal real estate broker license with limitations as set forth below:

(a) The limited license period shall be for 1 year;

(b) Hamley shall not be convicted of any felony or misdemeanor during the limited license term;

(c) Hamley shall not violate any license law or rule during the limited license term;

(d) Hamley must conduct professional real estate activity under the direct supervision of a principal broker, as set forth by OAR 863-015-0140, during the limited license term;

(e) Hamley shall not supervise the real estate activity of another broker or principal broker, as set forth by OAR 863-015-0140.

(f) Hamley shall be required to give a copy of this Order to any supervising principal broker through whom Hamley is licensed during the limited license term, prior to licensing, and the principal broker shall acknowledge receiving a copy of this Order in writing to the OREA;

(g) The supervising principal broker shall immediately notify the OREA of any criminal convictions or license law violations by Hamley during the limited license term, and

(h) The restrictions shall continue until Hamley (1) requests an unrestricted license, in writing, and (2) Hamley's supervising principal broker endorses Hamley for an unrestricted license in writing. OREA will conduct an inquiry on Hamley including but not limited to a check through the Law Enforcement Data System. If OREA finds that there is no reason to continue the limited license, an unrestricted license will be issued.

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1 IT IS FURTHER ORDERED that, should Hamley violate any term or condition of this
2 Order, it may be a basis on which to revoke Hamley's license in accordance with ORS
3 696.301(13).

4
5 PRINCIPAL BROKER'S ACCEPTANCE

6 I hereby accept and agree to abide by the foregoing and acknowledge that I have
7 received a copy of the stipulated final order on 06/18/2021.

8
9 DocuSigned by:
10 ISRAEL MICHAEL HILL
11 770AE2FAF14B44D...
12 Israel Michael Hill, Supervising Principal Broker
13 License Number: PB. 200411111
14
15
16

17 IT IS SO STIPULATED:

18
19 DocuSigned by:
20 [Signature]
21 968FE6CD8ABD458...
22 JOEL C. HAMLEY

23 Date 6/17/2021 | 5:38 PM PDT

IT IS SO ORDERED:



24
25 DocuSigned by:
26 Anna Higley
27 7237997468544CB...
28 Anna Higley, Deputy Commissioner on behalf
29 of Steven Strode Real Estate Commissioner

30 Date 6/18/2021 | 10:34 AM PDT

Date of Service: 06/18/2021

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
ERIC W. HALL) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Eric W. Hall (Hall) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Hall was licensed as a principal broker with Rick Hall Realty, Inc.

1.2 On May 10, 2019, the Agency initiated a mandatory mail-in reconciliation review for clients' trust account- security deposit ending in #6527 (CTA-SD #6527) for the month of November 2018. On November 1, 2019, an investigation was opened.

1.3 Hall has two client trust accounts, one for owner funds and one for security deposits. During an interview on November 19, 2020, Hall admitted he had not attempted a three-way reconciliation of either of his trust accounts since the May 2019 review. From the information Hall provided, he was only doing a two-way reconciliation. Hall said he "balances the bank account," but he has not used the third required component of the tenant or owner ledgers in the process.

1.4 Hall was asked to submit a proper three-way reconciliation with adequate supporting documentation to demonstrate compliance. On January 14, 2021, Hall submitted an October 2020 bank statement and what appeared to be tenant ledger for CTA-SD #6527. There was no reconciliation form or check register included. The bank statement reported a

1 balance of \$89,902.10 and the ledger document reported a balance of \$74,429.00. In regard
2 to the incomplete October 2020 CTA-SD #6527 submission, Hall said he does not use a
3 reconciliation form.

4 **(1) Violation:** By failing to perform monthly three-way reconciliations for CTA-SD #6527,
5 Hall violated ORS 696.301(3) as it incorporates OAR 863-025-0028(3) (1-1-2018 Edition)
6 which requires a property manager to reconcile each security deposits account, with the three
7 required components, within 30 calendar days of the bank statement date pursuant to the
8 requirements contained in this section.

9 1.5 Hall was asked when the last time a three- way reconciliation had been
10 completed for the owner funds clients' trust account ending in #0163 (CTA #0163), Hall
11 replied, "years." Hall admitted he had not reconciled three-ways regularly since the last OREA
12 audit in 2007 when they worked closely with an Agency investigator. Hall stated his wife only
13 conducts two-way reconciliations between the checkbook and bank balance.

14 **(2) Violation:** By failing to perform monthly three-way reconciliations for CTA #0163, Hall
15 violated ORS 696.301(3) as it incorporates OAR 863-025-0028(2) (1-1-2021) which requires a
16 property manager to reconcile each clients' trust account with the three required components
17 within 30 calendar days of the date of the bank statement pursuant to the requirements
18 contained in this section.

19 1.6 Licensed broker Sheryl Savage (Savage) works for Hall at Rick Hall Realty, Inc.
20 Savage conducts the majority of the company's property management activity. When asked
21 about written policies or delegation of authority within the business, Hall acknowledged the
22 need for one, but had nothing on file. He promised to develop these policies and have them
23 ready to submit by December 4, 2020.

24 1.7 Hall submitted a document titled Independent Contractor Agreement. Instead of
25 written policies or delegation of authority, the agreement focused on the legal relationship of
26 the licensees within the company and included rental and sales commission rates.

27 **(3) Violation:** By failing to have written policies or delegation of authority for licensee
28 Sheryl Savage, Hall violated ORS 696.301(3) as it incorporates OAR 863-025-0015(1),(2) and
29 (3)(b) (1-1-2020 and 1-1-2021 Editions) which states: (1) Each property manager must
30 develop, maintain and follow written policies for persons and activities under this rule. (2) Each

1 policy must state the effective date of the policy. (3) Policies must specify the duties,
2 responsibilities, supervision and authority, including any authority to handle funds in a clients'
3 trust account or security deposits account, for the following persons: (b) An active real estate
4 licensee engaged in the management of rental real estate under the supervision and control of
5 a principal broker, including any authority to sign property management agreements under
6 OAR 863-025-0020(6) and tenant rental and lease agreements under 863-025-0045(2).

7
8 2.

9 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.
10 Based on these violations a reprimand is appropriate for violations of ORS 696.301(3).

11 2.2 The Agency reserves the right to investigate and pursue additional complaints
12 that may be received in the future regarding this licensee.

13 2.3 In establishing the violations alleged above, the Agency may rely on one or more
14 of the definitions contained in ORS 696.010.

15 2.4 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a
16 real estate license, whether by operation of law, order of the Real Estate Commissioner or
17 decision of a court of law, or the inactive status of the license, or voluntary surrender of the
18 license by the real estate licensee does not deprive the commissioner of jurisdiction to: (1)
19 proceed with an investigation of the licensee; (2) conduct disciplinary proceedings relating to
20 the licensee; (3) Take action against a licensee, including assessment of a civil penalty against
21 the licensee for a violation of ORS 696.020(2); or (4) revise or render null and void an order
22 suspending or revoking a license.

23
24 STIPULATION & WAIVER

25 I have read and reviewed the above findings of fact and conclusions of law which have
26 been submitted to me by the Agency and further, the order which follows hereafter. I
27 understand that the findings of fact, conclusions of law and this stipulation and waiver embody
28 the full and complete agreement and stipulation between the Agency and me. I further
29 understand that if I do not agree with this stipulation I have the right to request a hearing on
30 this matter and to be represented by legal counsel at such a hearing. Hearings are conducted

1 in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the
2 Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. I
3 freely and voluntarily waive my rights to a hearing, to representation by legal counsel at such a
4 hearing, and to judicial review of this matter.

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

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

12 ORDER

13 IT IS HEREBY ORDERED that Eric W. Hall's principal broker license be, and hereby is
14 reprimanded.

15
16
17 IT IS SO STIPULATED:

IT IS SO ORDERED:



18
19 DocuSigned by:
20 Eric W. Hall
21 AA64E4E029AE4C9...
ERIC W. HALL

DocuSigned by:
Steven Strode
D141D267DDE14A0...
STEVEN STRODE

22
23 Date 7/7/2021 | 3:07 PM PDT

Real Estate Commissioner
Date 7/8/2021 | 9:55 AM PDT

Date of Service: 07/08/2021

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of
KAREN LYNN KENNEDY)
STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Karen Lynn Kennedy (Kennedy) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Kennedy was licensed as a principal broker with Re/Max Ultimate Coastal Properties.

1.2 The Agency received a complaint from Christopher and Korri Rocco (the Roccos) in February 2021, and the Agency opened an investigation in March 2021.

1.3 On March 4, 2020, the Roccos purchased property located at 28600 Brooks Rd, Gold Beach, Oregon (subject property). The sale included two separate lots, Kissing Rock Rd. running between the two. The property was listed by Kennedy.

1.4 In May 2012, Larry Johnson and Louise Van Teal (the sellers) cut a new driveway to Kissing Rock Rd.

1.5 In December 2015, a landslide destroyed portions of Kissing Rock Rd. The damage caused by the landslide impacted access to Kristy Denman’s property at 28695 Kissing Rock Rd.

1.6 In October 2017, Kristy Denman and Louise Van Teal agreed to split the cost of repairing Kissing Rock Rd., and entered into an “Agreement to Reimburse Construction Costs.”

1 1.7 On March 25, 2018, Kennedy emailed Louise Van Teal a copy of the listing
2 agreement and disclosures (which included the Seller's Property Disclosure and Seller's
3 Property Disclosure Statement Attachment Explanation/Additional Information) with
4 instructions to sign the listing agreement and print out and fill out and return the various
5 disclosures.

6 1.8 On March 27, 2018, the sellers listed their property with Kennedy. The private
7 remarks of the listing stated in part, "Road punched in front of Kissing Rock to home also.
8 Was a slide so do not use but feel free to walk down."

9 1.9 Kennedy stated in her complaint response, "While viewing the home and
10 property, I was shown the secondary driveway that could be accessed from Kissing Rock Rd. I
11 was told at that time there was a slide just past the driveway so it was best not to drive up that
12 direction until it was repaired."

13 1.10 Sometime around May 2018, Kennedy worked with the seller's attorney to draft a
14 letter stating in part that the cost of repairing the West facing side of Kissing Rock Rd. would
15 not be passed on to future buyers.

16 1.11 Kennedy updated the listing's private remarks, removing the language
17 referencing the "slide." The updated remarks read, "May come up Kissing Rod Rd or Brooks
18 Rd to property... Kissing Rock is gravel and there is a sharp turn to get into DW- I recommend
19 all wheel or 4 wheel drive."

20 1.12 When asked why she updated the listing remarks, Kennedy said the sellers told
21 her the road was repaired and the property could be accessed by Kissing Rock Rd. The
22 sellers provided no further information surrounding the repair.

23 1.13 Kennedy failed to share her knowledge of the landslide with the parties to the
24 transaction.

25 **(1) Violation:** By failing to disclose her knowledge of the landslide, Kennedy violated ORS
26 696.301(3) as it incorporates ORS 696.805(2)(c) (2019 Edition) which states: (2) a seller's
27 agent owes the seller, other principals and the principals' agents involved in a real estate
28 transaction the following affirmative duties: (c) to disclose material facts known by the seller's
29 agent and not apparent or readily ascertainable to a party.

30 1.14 The sellers marked "Yes," to several questions on the Seller's Property

1 Disclosure relating to right of ways, easements, access limitations, joint maintenance
2 agreements, boundary surveys, and roof condition. Kennedy reviewed the Seller's Property
3 Disclosure and asked for additional information on the questions with a "Yes" answer. She
4 provided the sellers with a blank Seller's Property Disclosure Statement Attachment
5 Explanation/Additional Information sheet; however, the sellers provided no additional
6 information.

7 1.15 The seller's answered "No" to the questions "Is there any material damage to the
8 property or any of the structure(s) from fire, wind, floods, beach movement, earthquake,
9 expansive soils or landslides?" And "Are there any other material defects affecting this
10 property or its value that a prospective buyer should know about." According to Kennedy, the
11 sellers might have thought there was no material damage because they believed the road was
12 repaired.

13 1.16 Kennedy didn't ask for proof that the sellers repaired the road and she did not
14 caution the sellers about the potential harm of failing to disclose the landslide.

15 **(2) Violation:** By failing to communicate to the sellers the potential harm in not disclosing
16 the landslide, Kennedy violated ORS 696.301(3) as it incorporates ORS 696.805(3)(a) (2019
17 Edition), which states: (3) a seller's agent owes the seller involved in a real estate transaction
18 the following affirmative duties: (a) to exercise reasonable care and diligence.

19 1.17 The violations noted above demonstrate conduct that is below the standard of
20 care for the practice of professional real estate activity in Oregon.

21 **(3) Violation:** ORS 696.301(15) (2019 Edition) which states, the Commissioner may
22 sanction the real estate license of any real estate licensee who engages in conduct that is
23 below the standard of care for the practice of professional real estate activity in Oregon as
24 established by the community of individuals engaged in the practice of professional real estate
25 activity in Oregon.

26 2.

27 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.
28 Based on these violations a reprimand is appropriate for violations of ORS 696.301(3) and
29 (15).

30 2.2 The Agency reserves the right to investigate and pursue additional complaints

1 that may be received in the future regarding this licensee.

2 2.3 In establishing the violations alleged above, the Agency may rely on one or more
3 of the definitions contained in ORS 696.010.

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

12
13 **STIPULATION & WAIVER**

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

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

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

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ORDER

IT IS HEREBY ORDERED that Karen Lynn Kennedy's license be, and hereby is reprimanded.

IT IS SO STIPULATED:

IT IS SO ORDERED:

A585879877934C3...
Karen Kennedy
DocuSigned By: Karen Kennedy
KAREN LYNN KENNEDY

DocuSigned by:
Steven Strode
D141D267DDE14A0...
STEVEN STRODE



Date 7/15/2021 | 9:34 AM PDT

Date 7/16/2021 | 7:24 AM PDT

Date of Service: 07/16/2021

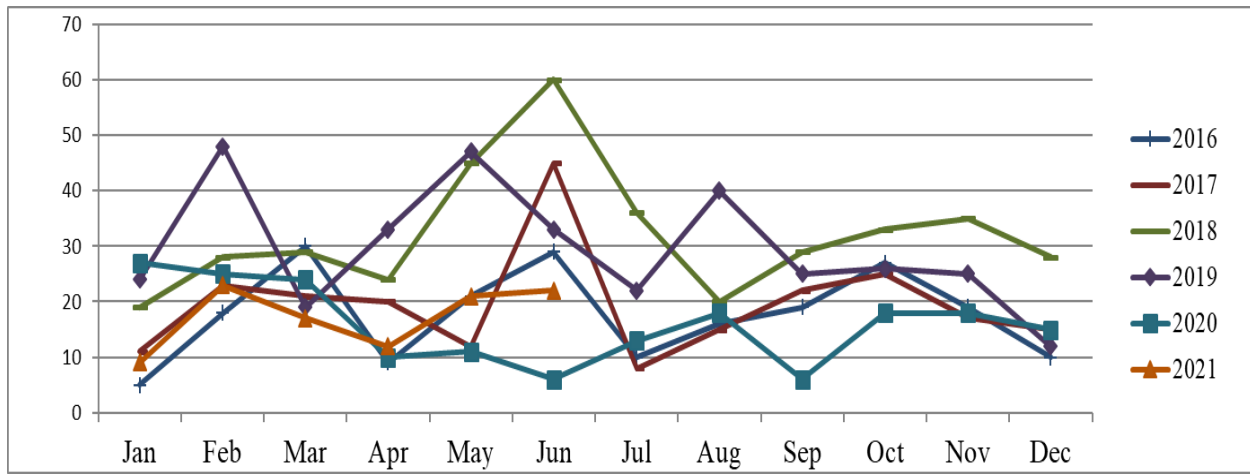
**Report to the Real Estate Board
Land Development Division
August 2nd, 2021**

Division Manager: Michael Hanifin

Section Overview:

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

Workload and Activity Indicators



Through end of June the division has received 104 filings. This on par with filings made last year through June. Comments from developer’s attorneys imply the filing rate will ramp up later in the year as developers move past earlier interruptions in the development pipeline.

Legislation:

The following bills were passed in the 2021 Regular Session and have some effect on the agency.

HB 2703EN - Relating to real estate continuing education courses - Requires that real estate continuing education courses include information on state and federal fair housing laws. Bill effective July 1, 2021. First applies to licensees renewing or reactivating on or after July 1, 2022.

HB 2550EN - Relating to duties of the seller’s agent in real estate transactions. Directs seller’s agent to reject communications from buyer to seller as necessary to help seller avoid selecting buyer based on buyer’s race, color, religion, sex, sexual orientation, national origin, marital or familial status (in violation of fair housing laws). Effective January 1st, 2022.

HB 2534EN - Relating to removal of discriminatory restrictions in governing documents; and prescribing an effective date. - Requires homeowners associations and condominium

associations to review governing documents and remove discriminatory language or certify the nonexistence of such language on or before December 31, 2022. Bill is effective end of September, 2021, and requires the above actions on or before December 31, 2022, so associations have a little over a year to comply with this requirement.

HB 2966EN - Relating to terminations of commercial tenancies - Extends grace period for repayment of nonresidential rent between April 1, 2020, and September 30, 2020, until September 30, 2021, for certain tenants.

HB 2993EN – Relating to administrative rules – provides that the advisory committee appointed by agency as part of rulemaking must represent interests of persons and communities likely to be affected by the rule and include a statement identifying how adoption of the rule will affect racial equity in this state. Effective January 1st, 2022.

SB 458EN –Relating to land division for residential development –Allows land division to separate dwelling units for new middle housing allowed in cities. Applies to middle housing land divisions permitted on or after July 1st, 2022.

Rulemaking:

OAR 863-027-0010

Temporary order effective June 7th, 2021 through September 30th, 2021, amending the rule to replace the word “manager” with “authorized Agency staff member”.

Notice of permanent rulemaking was made June 26th, and the hearing held on July 21st. The agency has received no public comment as of the date of the hearing and no one attended the hearing to provide comment. The public comment period ends July 23rd, after which any comments provided will be considered before a permanent rule order is filed.

**REAL ESTATE BOARD
ADMINISTRATIVE SERVICES DIVISION REPORT
August 2, 2021**

Administrative Services Manager: Mesheal Heyman

Accountant: Caty Karayel

Systems Administrator: Tiffani Miller

Program Analyst: Rus Putintsev

Operation & Policy Analyst: Denise Lewis

Section 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.

Budget Update

The Agency's budget bill (HB 5034) was signed by the governor on June 15 and was effective July 1.

The reconciliation for the budget period ending June 30 is still under way. As of the end of May, projected revenue is at **\$10.56 million** and projected expenses are at **\$8.9 million**. Our cash balance is projected to be almost **\$5.4 million**.

Office Update:

The Agency is preparing for a September office opening. The division continues to assist the rest of Agency staff so customer service and regulatory services can continue with the Agency's mission.

Communications:

The Agency released a new publication: [Welcome to Property Management](#).

Please let Mesheal know if you are interested in writing an article for the Oregon Real Estate News-Journal.

Real Estate Agency – AY21
2019-2021 Budget – Biennium to Date

Budget Codes		<u>19-2021 Legislative Approved Budget</u>	<u>Expected Total Expenditures for Biennium (current)</u>	<u>Expected Remaining Limitation at end of Biennium</u>
	Total Personal Services	7,066,023	6,294,086	771,937
4100 & 4125	In-State Travel & Out-of-State Travel	98,762	44,277	54,485
4150	Employee Training	36,994	23,197	13,797
4175	Office Expenses	83,040	29,662	53,378
4200	Telecom/Tech Services & Support	64,621	57,765	6,856
4225	State Government Services	233,574	313,197	(79,623)
4250	Data Processing	109,297	122,785	(13,488)
4275	Publicity & Publications	36,718	3,024	33,694
4300 & 4315	Professional Services & IT Professional Services	186,339	207,761	(21,422)
4325	Attorney General Legal Fees	293,465	201,243	92,222
4375	Employee Recruitment	7,748	250	7,498
4400	Dues & Subscriptions	9,575	5,932	3,643
4425	Facilities Rent & Taxes	254,611	241,453	13,158
4475	Facilities Maintenance	4,519	8,694	(4,175)
4575	Agency Program Related S&S	41,308	2,490	38,818
4650	Other Services & Supplies	88,482	169,243	(80,761)
4700	Expendable Property \$250-\$5000	29,148	8,605	20,543
4715	IT Expendable Property	162,972	60,258	102,714
	Total Services & Supplies	1,741,173	1,499,835	241,338
	Totals	8,807,196	7,793,922	1,013,274

4575	Agency Program Related S&S	1,528,989	1,072,050	456,939
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	Totals with Exam Services	10,336,185	8,865,972	1,195,472
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**REAL ESTATE BOARD
EDUCATION & LICENSING DIVISION REPORT
August 2, 2021**

Education & Licensing Manager: Madeline Alvarado

Compliance Specialist: Tami Schemmel

Compliance Specialist: Jenifer Wetherbee

Administrative Specialist: Elizabeth Hardwick

Administrative Specialist: Rick Marsland

Administrative Specialist: Nenah Darville

Receptionist: Yuleni Rodriguez

Section Overview

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

+

Licensing Update

Escrow Renewals- All 70 escrow companies renewed on time.

Pre-License Education Provider- 25 of the 26 pre-license educators renewed.

Real Estate Marketing Organization (REMO)- All 4 REMOs renewed timely.

License renewals- For the month of May 84% and June 86% of broker licensees renewed their licenses.

Phones- Phone calls for June increased by 6% (when compared to June 2020's phone stats). The average hold time for June was 18 seconds.

Upcoming

OREA Advertising Update and General Overview Class.

RBN Renewal

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Eligible to Renew	424	345	344	347	319	308						
Failed to Renew	19	17	15	18	14	20						
% Renewed	96%	95%	96%	95%	96%	94%						

Licensing Statistics

Total Licensee Counts by Month:

Individuals (Persons)	May-21	Jun-21
Broker – Total	17,427	17,432
Active	15,737	15,735
Inactive	1,690	1,697
Principal Broker - Total	6,421	6,428
Active	6,049	6,056
Inactive	372	372
ALL BROKERS Total	23,848	23,860
Active	21,786	21,791
Inactive	2,062	2,069
Property Manager - Total	941	937
Active	824	813
Inactive	117	124
MCC Salesperson	17	17
MCC Broker	1	1
TOTAL INDIVIDUALS	24,807	24,815
Active	22,628	22,622
Inactive	2,179	2,193
Facilities (Companies)		
REMO	4	4
Registered Business Name (RBN)	3,886	3,877
Registered Branch Office (RBO)	779	780
Escrow Organization	70	70
Escrow Branch	147	148
Condominium Filing (CO)	164	170
Unit Owners Association	1,045	1,034
Pre-License Education Provider (PEP)	26	25
CEP	298	299
MCC Operator	25	25
TOTAL FACILITIES	6,444	6,432
TOTAL INDIVIDUALS & FACILITIES	31,251	31,247

New Licenses by Month:

Individuals (Persons)	May-21	Jun-21
Broker	214	129
Principal Broker	19	17
TOTAL BROKERS	233	146
Property Manager	7	5
MCC Salesperson	1	1
MCC Broker	0	0
TOTAL INDIVIDUALS	241	152
Facilities (Companies)		
Continuing Education Provider (CEP)	0	1
REMO	0	0
Registered Business Name	32	31
Registered Branch Office	5	8
Escrow Organization	2	0
Escrow Branch	0	0
Condominium Filing	1	0
Unit Owners Association	6	7
Pre-License Ed Provider	0	0
MCC Operator	0	0
TOTAL FACILITIES	46	46
TOTAL INDIVIDUALS & FACILITIES	287	198

Exam Statistics

June 2021

Total

ALL LICENSING EXAMS

Broker	590
Property Manager	19
Principal Broker	71
Reactivation	9

Pass Rates

<i>First Time Pass Rate Percentage</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
Broker State	61	58	57	50	48
Broker National	73	72	70	68	68
Principal Broker State	58	59	51	53	59
Principal Broker National	76	77	69	63	55
Property Manager	69	67	64	58	69

Education & Licensing Division

Licensee Application & Renewal

2020 Data

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

Renewal Activity														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	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
Late	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
Lapse		85	92	100	107	97	114	130	135	128	102	111	105	1306
Total		673	677	692	704	749	705	778	780	760	724	650	726	8618

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	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
Late	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
Lapse		23	20	30	23	22	18	36	26	25	20	26	23	292
Total		279	284	299	291	299	298	270	282	303	250	268	252	3375

Oregon Real Estate Agency
Education & Licensing Division
Phone Counts

(minutes: seconds)	Jan – 21	Feb – 21	Mar – 21	Apr – 21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov--21	Dec-21	2021 Average
Call Count	1981	1801	1918	1822	1452	1886							1810
Average Wait Time	:51	:36	:29	:29	:24	:18							:31.1
Maximum Wait Time	0:19:17	0:10:52	0:09:59	0:10:43	0:08:58	0:06:37							0:11:04

(minutes: seconds)	Jan – 20	Feb – 20	Mar – 20	Apr – 20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov--20	Dec-20	2020 Average
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

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

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