



Oregon

Kate Brown, Governor

AGENDA ITEM NO.

I.C.

Real Estate Agency

Equitable Center

530 Center St. NE, Suite 100

Salem, Oregon 97301-2505

Phone: (503) 378-4170

Regulations Fax: (503) 373-7153

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www.oregon.gov/rea

Notice of Agenda

OREGON REAL ESTATE BOARD

Regular Meeting Agenda

Zoom Videoconference

October 4, 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 08.02.21, regular meeting minutes
 - E. Date of the Next Meeting: 12.06.21 to begin at 10am platform to be announced
- 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. Northwest School of Real Estate, Paul Frink to appear
 - B. Lawrence Belland
- V. BOARD ADVICE/ACTION – Commissioner Strode. None**
- 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. Licensing and Education, Maddy Alvarado, Customer Service Manager
- IX. ANNOUNCEMENTS – Chair MacLean.** Next board meeting: 12.06.21 to begin at 10am platform to be announced.
- 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, August 2, 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 Strode, Commissioner
Anna Higley, Deputy Commissioner
Mesheal Heyman, Administrative Services Division Manager
Michael Hanifin, Land Development Division Manager
Elli Kataura, Regulations Division Manager
Leandra Hagedorn, Board Liaison

GUESTS PRESENT: LaTasha Beal, KW Sunset Corridor Keller Williams
Christian Bryant, RPM

I. BOARD BUSINESS – Chair MacLean

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

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

- D. Approval of 06.07.21 regular meeting minutes.

**MOTION TO APPROVE 06.07.21 REGULAR MEETING MINUTES BY DAVE HAMILTON
SECOND BY MARIE DUE
MOTION CARRIED BY UNANIMOUS VOTE**

- E. Date of the Next Meeting: 10.04.21, 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. None.

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

- A. Real Estate and Property Management Education LLC (DBA RPM Education LLC), Christian Bryant appearing. Mr. Bryant explained his background/experience and basis for his petition he also stated that he was familiar with the record keeping requirements for CEPs and offers the following acceptable course topics in his classes: FAIR Housing, Property Management Eviction Law, Laws and best practices when selling a rental unit, habitability standards/laws, record keeping, supervision responsibilities, Clients' trust accounts, Agency relationships, Advertising and RE Disclosures.

**MOTION TO APPROVE RPM'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY PAT IHNAT
SECOND BY LAWNAE HUNTER
MOTION CARRIED BY UNANIMOUS VOTE**

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

- A. Law and Rule Required Course (LARRC) 2021-2022 - make recommendation for Agency to finalize the draft outline as submitted.

**MOTION TO FINALIZE THE LAW AND RULE REQUIRED COURSE (LARRC) 2021-2022 DRAFT OUTLINE AS SUBMITTED BY SUSAN GLEN
SECOND BY PAT IHNAT
MOTION CARRIED BY UNANIMOUS VOTE**

VI. NEW BUSINESS - Commissioner Strode. None.

VII. COMMUNICATIONS - ADMINISTRATIVE ACTIONS SUMMARY - Chair MacLean

VIII. REPORTS – Chair MacLean.

A. Commissioner Strode

- ARELLO Fair Housing Committee – Copy of the love letter bill was included in their trade publication
- Property management resource guide - Agency has received positive feedback from stakeholders

B. Agency division report - Deputy Commissioner Higley

1. Regulations, Elli Kataura

- Elli provided a brief self-introduction and background
- Summary of statistics and information provided in written report
- Return to work implementation is planned for the fall
- Staff activity:
 - Various external training courses in the upcoming months
 - Liz Hayes received promotion to Financial Investigator

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
- Budget update

4. Education and Licensing, Maddy Alvarado

- Summary of statistics and information provided in written report
- Oregon Real Estate Agency Advertising Update and General Overview Class was developed by the Agency and presented by Maddy Alvarado and Meghan Lewis to various organizations

IX. ANNOUNCEMENTS – Chair MacLean. Next board meeting: 10.04.21 to begin at 10am and will be held via Zoom video conference.

X. ADJOURNMENT – Chair MacLean

Respectfully submitted,

STEVE STRODE, COMMISSIONER

Respectfully submitted

ALEX MACLEAN, BOARD CHAIR

**AGENDA ITEM NO.
IV.**

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

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

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

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

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

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

			<p>professionals. He also stated that his goal is to provide continuing education to the real estate community in particular with regard to commercial real estate and taxation. Ms. Gisriel asked Mr. Gann to provide specific learning objectives included in his classes that would fall under the acceptable course topics and also if he was familiar with the record keeping requirements for continuing education providers. Mr. Gann responded that he had extensive experience with continuing education record keeping. Mr. Hamilton asked Mr. Gann if he was currently working with real estate organizations that provide similar courses to licensees and Mr. Gann said the content he provided was not the same but unique. Ms. Barnes asked Mr. Gann if he planned on becoming a continuing education provider as an individual or as a business and he responded that he would be providing continuing education as an individual. Ms. Glen asked Mr. Gann what format he offered his classes through and he responded his content was totally educational. Mr. Gann offers classes that cover the following topics: Real estate taxation, real estate economics, and real estate law or regulation, which are considered acceptable course topics. DISCUSSION: Ms. Gisriel stated the motivation for becoming continuing education provider should be education rather than business development.</p> <p>MOTION TO APPROVE RICHARD GANN'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY ALEX MACLEAN SECOND BY SUSAN GLEN MOTION CARRIED BY 7 AYES (MARIE DUE, DEBRA GISRIEL, JOSE GONZALEZ, KIM HEDDINGER, LAWNAE HUNTER, AND ALEX MACLEAN) AND 1 NAY (DAVE HAMILTON)</p>
02.03.20	Bernard Black	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	APPROVED	<p>Real Estate and Property Management Education LLC (DBA RPM Education LLC), Christian Bryant appearing. Mr. Bryant explained his background/experience and basis for his petition he also stated that he was familiar with the record keeping requirements for CEPs and offers the following acceptable course topics in his classes: FAIR Housing, Property Management Eviction Law, Laws and best practices when selling a rental unit, habitability standards/laws, record keeping, supervision responsibilities, Clients' trust accounts, Agency relationships, Advertising and RE Disclosures.</p> <p>MOTION TO APPROVE RPM'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY PAT IHNAT SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE</p>
10.04.21	Northwest School of Real Estate Paul Frink		
10.04.21	Lawrence Belland		



PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER

Rev. 11/2019

AGENDA ITEM NO. IV. A.

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

INSTRUCTIONS

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

IMPORTANT:

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

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

PETITIONER

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

Physical Address 622 S 320th St #A Address Cont. _____

City Federal Way State WA Zip Code 98023 County King

E-mail paulfrink@bhhsnwre.com

Mailing Address (if different) same Address Cont. _____

City _____ State _____ Zip Code _____ County _____

AUTHORIZED CONTACT PERSON

Prefix Mr. _____ First Name Paul Last Name Frink

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

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

AGENCY USE ONLY

Approved by Board YES NO

Review Date _____

PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued

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.	PF	Aug 17, 2021	
I understand the requirements of an education provider as outlined in Oregon Administrative Rules (OAR) Chapter 863, Division 20.	PF	Aug 17, 2021	
Petitioner has demonstrated their experience and expertise in two or more course topics eligible for continuing education credit as listed in OAR 863-020-0035.	PF	Aug 17, 2021	
Petitioner has demonstrated their experience in providing educational courses to real estate licensees.	PF	Aug 17, 2021	

Paul Frink

 Printed Name of Authorized Individual



 Signature of Authorized Individual

Date: August 17, 2021



PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER

Rev. 11/2019

AGENDA ITEM NO.

IV.B.

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 Lawrence Belland Phone Number 503-740-7737

Physical Address 1250 Wells St. Address Cont. _____

City Lake Oswego State RI Zip Code 97034 County Clackamas

E-mail lawrence@justradon.com

Mailing Address (if different) _____ Address Cont. _____

City _____ State Zip Code _____ County _____

AUTHORIZED CONTACT PERSON

Prefix Mr. First Name Lawrence Last Name Belland

Phone Number 503-740-7737 E-mail lawrence@justradon.com

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

AGENCY USE ONLY

Approved by Board YES NO

Review Date _____

PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued

QUALIFICATION INFORMATION

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

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

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

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

I'm one of only 12 certified mitigators in the state of Oregon to abate radioactive radon gas. I'm one of only two mitigators in the state certified by both the NRPP and the NRSB. Those are the two organizations authorized by the EPA to certify individuals to the EPA mitigation protocols. I've personally designed and installed over 1,000 radon mitigation systems. I'm also one of 28 certified radon testers in the state of Oregon. I'm one of only two testers certified by both the NRPP and the NRSB to test for radon.

Additionally, I have spoken to hundreds of real estate brokers at their office meetings about the dangers and remedies of radon gas.

I would like to offer continuing education classes on testing of radon gas, and abatement of radon gas. How to present the importance of both to the public.

PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued

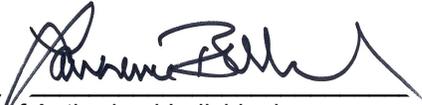
AUTHORIZATION AND ATTESTATION
<ul style="list-style-type: none"> ▶ I hereby certify that I am authorized to submit this form on behalf of the petitioner and that the information is true and accurate, to the best of my knowledge. ▶ I certify that petitioner, or authorized individual on petitioner's behalf, 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.		9-1-21	
I understand the requirements of an education provider as outlined in Oregon Administrative Rules (OAR) Chapter 863, Division 20.		9-1-21	
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.		9-1-21	
Petitioner has demonstrated their experience in providing educational courses to real estate licensees.		9-1-21	

Lawrence Belland

 Printed Name of Authorized Individual

Date: 9-1-21



 Signature of Authorized Individual

ADMINISTRATIVE ACTIONS
Reported
7/17/21 through 9/16/21

REVOCATIONS

Kuhlmann, John Erick (Redmond), Principal Broker 200404120, Final Order by Default dated July 20, 2021, issuing a revocation.

SUSPENSIONS

None

REPRIMANDS

Riddle, Kamichia Renee (Gresham), Broker 201217740, Final Order by Default dated July 20, 2021, issuing a reprimand.

Johnson, Samuel (Beaverton), Property Manager 201213921, Stipulated Final Order dated August 25, 2021.

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

Freeman, Wesley Jerome (Eugene) Property Manager, 200007027, Stipulated Final Order dated September 1, 2021, issuing a \$100.00 civil penalty.

Unlicensed Activity

Fung, Samuel S. (Medford), Unlicensed, Stipulated Final Order dated July 21, 2021, issuing a \$2,500 civil penalty.

Newton, Barbara McCosh (Ontario), Property Manager 201221029, Stipulated Final Order dated July 28, 2021, issuing a \$600 civil penalty.

Prasad, Hemant (Elk Grove, CA), Unlicensed, Final Order by Default dated July 29, 2021, issuing a \$500.00 civil penalty.

Paulson, James Martin (Portland) Property Manager, 201109051, Stipulated Final Order dated September 1, 2021, issuing a \$1,600 civil penalty.

2.3 A certified mailing of the notice of intent was mailed to Kuhlmann at his last known address of record on June 15, 2021. The certified mailing of the notice has not been returned to the Agency.

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

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

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

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

FINDINGS OF FACT

3.

3.1 On September 1, 2019, Kuhlmann's principal broker license became inactive due to his failure to renew registered business name, Smart Housing & Land, with the Agency. Kuhlmann failed to renew his principal broker license during the month of October 2019 and on November 1, 2019, Kuhlmann's principal broker license expired. On November 1, 2020, Kuhlmann's principal broker license lapsed.

3.2 In March 2020, the Agency received a complaint from Lisa Methvin (Methvin) against Kuhlmann that was forwarded to the Agency by the State of Oregon Department of Consumer Business Services. The Agency opened an investigation.

3.3 On October 29, 2020, Methvin entered into an agreement to purchase a vacant lot located at 1270 SW Salsify Ln., Redmond, OR 97756, Lot 81 (subject property) with Kuhlmann. The Vacant Land Real Estate Sales Agreement (Sale Agreement #102920JK indicates Methvin agreed to by the subject property for \$80,000.00 from the seller, Smart Housing LLC, with Kuhlmann as the seller acting on behalf of Smart Housing LLC.

3.4 The Sale Agreement #102920JK states Kuhlmann, as an agent of "Smart Housing and Land," was also the selling and listing licensee in the subject property transaction. The agreement shows Kuhlmann represented both the buyer and seller in the transaction. At the time Kuhlmann entered into the sales agreement, his real estate license was expired.

3.5 As of September 17, 2020, Oregon Secretary of State records show Smart Housing LLC as inactive due to administrative dissolution. Kuhlmann was listed as the registered member of the entity.

(1) Violation: By entering into Sale Agreement #102920JK for the subject property on October 29, 2020, as the listing broker and broker representing the buyer, Methvin, while Kuhlmann's principal broker license was expired, Kuhlmann violated ORS 696.301(3) as it incorporates ORS 696.020(2) and ORS 696.990(9) (2019 Edition). ORS 696.020(2) states an individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state unless the individual holds an active license as provided for in this chapter. Per ORS 696.990(9) for the purposes of subsection (4) of this section, any violation of ORS 696.020(2) that results from a failure of a real estate licensee to renew a license within the time allowed by law constitutes a single offense of unlicensed professional real estate activity for each 30-day period after the expiration of the license during which the individual engages in professional real estate activity.

3.6 When Kuhlmann's license was active, it had been associated with

registered business name, Smart Housing & Land. The registered business name, Smart Housing & Land was not renewed by August 31, 2019, and became void with the Agency on September 1, 2019. When the registered business name became void this caused Kuhlmann's license to become inactive on September 1, 2019 and as previously mentioned above, Kuhlmann's license expired on November 1, 2019.

(2) Violation: By entering into Sale Agreement #102920JK on October 29, 2020, when his real estate license was expired and when the registered business name was void (from failing to renew it), Kuhlmann violated ORS 696.301(3) as it incorporates OAR 863-014-0097(4) (01/01/2020 Edition), which states if a registered business name is not renewed on or before the registration expiration date, all real estate licensees authorized to conduct professional real estate activity under the name will be inactivated and may not engage in any professional real estate activity until transferred under OAR 863-014-0063.

3.7 Methvin provided Kuhlmann with \$10,000.00 in earnest money funds on October 29, 2020. The \$10,000.00 earnest money check was issued to the seller, "Smart Housing LLC," as check #1002. The check was deposited at Selco Community Credit Union account ending on #7856 on November 19, 2020.

3.8 After signing the purchase agreement and accepting the earnest money, Methvin said Kuhlmann ceased all contact with her, despite her attempts to reach him.

(3) Violation: By ceasing communication with Methvin (buyer) after accepting Methvin's \$10,000.00 (check #1002) in earnest money funds on October 29, 2020, to be placed toward 1270 SW Salsify Ln. Redmond, OR 97756 Lot 81, the subject property identified in Sale Agreement 102920JK, Kuhlmann violated ORS 696.301(14) (2019 Edition), which states a licensee's real estate license may be disciplined if they have committed an act of fraud or engaged in dishonest conduct substantiality related to the fitness of the applicant or real estate licensee to conduct professional real estate activity, without regard to whether the act or conduct occurred in the course of professional real estate activity.

3.9 Methvin said Kuhlmann represented himself as the owner and the seller of the subject property. Methvin later discovered the subject property was not owned by Smart

Housing LLC and under the control of Kuhlmann as he had presented it. Instead the subject property was owned by Aspen Creek MHC C/O Investment Property Group.

(4) Violation: By presenting himself to Methvin as the owner of the subject property when the subject property was not in his possession and was owned by another party, Aspen Creek MHC C/O Investment Property Group, Kuhlmann violated ORS 696.301(12), and (15) (2019 Edition), which states a licensee's real estate license may be disciplined if they have: (12) demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license. (15) engaged in any conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

3.10 All of the above violations demonstrate incompetence and untrustworthiness in performing any act for which Kuhlmann is required to hold a license.

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

STATEMENT OF LAW

4.

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

4.2 ORS 696.301(3) which states a real estate licensee's real estate license may be disciplined if they have: (3) disregarded or violated any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency.

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

4.4 ORS 696.301(14) which states a licensee's real estate license may be disciplined if they have committed an act of fraud or engaged in dishonest conduct substantially related to the fitness of the applicant or real estate licensee to conduct professional real estate activity, without regard to whether the act or conduct occurred in the course of professional real estate activity.

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

4.6 ORS 696.990(9) for the purposes of subsection (4) of this section, any violation of ORS 696.020(2) that results from a failure of a real estate licensee to renew a license within the time allowed by law constitutes a single offense of unlicensed professional real estate activity for each 30-day period after the expiration of the license during which the individual engages in professional real estate activity.

4.7 ORS 696.301(3) as it incorporates: OAR 863-014-0097(4) (01/01/2020 Edition), which states if a registered business name is not renewed on or before the registration expiration date, all real estate licensees authorized to conduct professional real estate activity under the name will be inactivated and may not engage in any professional real estate activity until transferred under OAR 863-014-0063.

ULTIMATE FINDINGS OF FACT

5.

5.1 Kuhlmann entered into Sale Agreement #102920JK for the subject property on October 29, 2020, as the listing broker and broker representing the buyer, Methvin, while Kuhlmann's principal broker license was expired.

5.2 Kuhlmann entered into Sale Agreement #102920JK on October 29, 2020, when his real estate license was expired and when the registered business name was void (from failing to renew it).

5.3 Kuhlmann ceased communication with Methvin (buyer) after accepting Methvin's \$10,000.00 (check #1002) in earnest money funds on October 29, 2020, to be placed toward

1270 SW Salsify Ln. Redmond, OR 97756 Lot 81, the subject property identified in Sale Agreement 102920JK.

5.4 Kuhlmann presented himself to Methvin as the owner of the subject property while the subject property was not in his possession and owned by another party, Aspen Creek MHC C/O Investment Property Group).

5.5 In all of the above Kuhlmann demonstrated incompetence and untrustworthiness in performing any act for which Kuhlmann is required to hold a license.

5.6 In summary, the facts above establish grounds to revoke Kuhlmann's principal broker license.

CONCLUSIONS OF LAW

6.

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

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

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

6.4 Specifically, Kuhlmann is subject to discipline pursuant to ORS 696.301(3), (12), (14) and (15). A revocation of Kuhlmann's principal broker license is appropriate for violations of ORS 696.301(3), (12), (14) and (15), which states in part a licensee's real estate license may be disciplined if they have: (3) disregarded or violated any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency; (12) demonstrated incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license; (14) committed an act of fraud or engaged in dishonest conduct substantially related to the fitness of the applicant or real estate licensee to conduct professional real estate activity, without regard to whether the act or conduct occurred in the course of professional real estate activity; (15) engaged in any conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

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

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

6.7 The Agency may therefore, revoke Kuhlmann's principal broker license.

6.8 Pursuant to ORS 696.775 the lapsing of Kuhlmann's license does not prohibit the Commissioner from proceeding with this, or further action.

OPINION

7.

The Agency takes its consumer protection role very seriously. In this real estate transaction, Kuhlmann falsely represented himself as the owner and seller of the subject property to the buyer, Methvin. The sale agreement showed Kuhlmann representing both the buyer, Methvin, and the seller in the transaction. Kuhlmann accepted \$10,000 in earnest money funds from Methvin, to be placed towards the purchase of the subject property. Once he accepted the funds, Kuhlmann ceased all communication with the buyer, despite her attempts to contact him. Kuhlmann took financial advantage of the buyer and enjoyed economic gain from his dishonest conduct. Kuhlmann's actions caused financial harm to the buyer by taking all of the \$10,000 in earnest money and not applying it to the purchase of the subject property.

Kuhlmann's actions demonstrate incompetence or untrustworthiness in performing any act for which Kuhlmann is required to hold a license and Kuhlmann committed an act of fraud or engaged in dishonest conduct substantially related to the fitness of the real estate licensee to conduct professional real estate activity. Lastly, Kuhlmann engaged in conduct that is below the standard of care for the practice of professional real estate activity in Oregon as

established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

The specific violations are repeated here below:

(1) By entering into Sale Agreement #102920JK for the subject property on October 29, 2020, as the listing broker and broker representing the buyer, Methvin, while Kuhlmann's principal broker license was expired, Kuhlmann violated ORS 696.301(3) as it incorporates ORS 696.020(2) and ORS 696.990(9) (2019 Edition). ORS 696.020(2) states an individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state unless the individual holds an active license as provided for in this chapter. Per ORS 696.990(9) for the purposes of subsection (4) of this section, any violation of ORS 696.020(2) that results from a failure of a real estate licensee to renew a license within the time allowed by law constitutes a single offense of unlicensed professional real estate activity for each 30-day period after the expiration of the license during which the individual engages in professional real estate activity.

(2) By entering into Sale Agreement #102920JK on October 29, 2020, when his real estate license was expired and when the registered business name was void (from failing to renew it), Kuhlmann violated ORS 696.301(3) as it incorporates OAR 863-014-0097(4) (01/01/2020 Edition), which states if a registered business name is not renewed on or before the registration expiration date, all real estate licensees authorized to conduct professional real estate activity under the name will be inactivated and may not engage in any professional real estate activity until transferred under OAR 863-014-0063.

(3) By ceasing communication with Methvin (buyer) after accepting Methvin's \$10,000.00 (check #1002) in earnest money funds on October 29, 2020, to be placed toward 1270 SW Salsify Ln. Redmond, OR 97756 Lot 81, the subject property identified in Sale Agreement 102920JK, Kuhlmann violated ORS 696.301(14) (2019 Edition), which states a licensee's real estate license may be disciplined if they have committed an act of fraud or engaged in dishonest conduct substantiality related to the fitness of the applicant or real estate licensee to conduct professional real estate activity, without regard to whether the act or conduct occurred in the course of professional real estate activity.

(4) By presenting himself to Methvin as the owner of the subject property when the subject property was not in his possession and was owned by another party, Aspen Creek MHC C/O Investment Property Group, Kuhlmann violated ORS 696.301(12), and (15) (2019 Edition), which states a licensee's real estate license may be disciplined if they have: (12) demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license; (15) engaged in any conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

(5) All of the violations above demonstrate incompetence and untrustworthiness in performing any act for which Kuhlmann is required to hold a license. ORS 696.301(12) (2019 Edition) which states a licensee's real estate license may be disciplined if they have: (12) demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license.

ORDER

IT IS HEREBY ORDERED that John Erick Kuhlmann's principal broker license is revoked.

Dated this 20th day of July, 2021.

OREGON REAL ESTATE AGENCY

DocuSigned by:

Steven Strode

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Steven Strode

Real Estate Commissioner

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

Certificate of Service

On July 20, 2021, I mailed and emailed the foregoing Final Order by Default issued on this date in Agency Case No. 2021-186.

By: First Class Mail

JOHN ERICK KUHLMANN
3434 SW SALMON AVE
REDMOND, OR 97756-0000

By Email:

JOHN ERICK KUHLMANN
john-kuhlmann@msn.com

Lisa Methvin
lmethvin08@gmail.com

Nenah Darville
Licensing Specialist

2.3 A certified mailing of the *Notice of Intent* was mailed to Riddle at her last known address of record on June 17, 2021. The certified mailing of the notice has not been returned to the Agency.

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

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

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

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

FINDINGS OF FACT

3.

3.1 Riddle was licensed as a real estate broker with Premiere Property Group, LLC (Premiere) between October 2017 and November 2018. Currently, Riddle's license is inactive.

3.2 In October 2020, the Agency received a complaint against Riddle and opened an investigation.

3.3 On March 14, 2018, Riddle entered into a listing agreement with Matthew and Brandie Seibel (Seibels) to sell their home at 5251 SE 18th St. in Gresham, Oregon (subject property). There was no Seller's Property Disclosure included in the listing file provided by Premiere Property Group, LLC. Per Riddle, she typically has her sellers fill out the disclosure, and in this instance may have missed uploading the document into the electronic file.

3.4 On April 27, 2018, Riddle canceled the listing; however, there was no signed termination agreement in the listing file. Riddle couldn't recall if she had the Seibels sign a termination agreement or not.

3.5 On May 8, 2018, Riddle agreed to purchase the Seibels' property under a "Subject To" sale, with Riddle taking over the existing mortgage payments. The Seibels were two months behind on their mortgage payment. It was agreed they would split the cost of getting the mortgage out of arrears. Riddle paid \$5,273.55 toward the past due mortgage and understood this amount would be used as the "down payment."

3.6 Transaction documents provided by the Seibels contained an "Addendum to Agreement to Purchase & Sell Real Estate (Owner Carry Addendum)." The Seibels did not remember signing a sales agreement.

3.7 Riddle recalled a purchase and sale agreement was executed as part of the transaction; however, Riddle could not supply a copy of the agreement or any transaction documents. She said she was 100% sure an agreement was signed because the addendums without an agreement wouldn't make sense. Riddle didn't have a copy of the transaction documents and thought they might have been lost in the move.

3.8 The transaction documents provided by the Seibels failed to note Riddle was licensed and representing herself.

3.9 Riddle failed to run the transaction through Premiere and her supervising principal broker.

3.10 Records show Riddle failed to make the mortgage payment as agreed to in the transaction documents for December 2020, January 2021, and February 2021. Furthermore, Riddle was responsible for paying all utility bills. As of March 16, 2021,

the water bill had not been paid since August 2020.

3.11 The violations above demonstrate incompetence and untrustworthiness, and are below the standard of care for professional real estate activity in Oregon.

3.12 On April 22, 2021, Riddle emailed a copy of the agreement she had with the City of Gresham to repay the past due water bill, agreeing to make payment in full by May 13, 2021. Riddle provided documentation to the Agency showing she paid the last of the outstanding water bill on May 13, 2021.

3.13 Regional Multiple Listing Service shows the subject property was listed on March 18, 2021, and sold on May 7, 2021.

STATEMENT OF LAW

4.

4.1 ORS 696.301(1) (2019 Edition) which states a licensee's real estate license may be disciplined if they have created a reasonable probability of damage or injury to a person by making one or more material misrepresentations or false promises in a matter related to professional real estate activity.

4.2 ORS 696.301(3) which states a real estate licensee's real estate license may be disciplined if they have disregarded or violated any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency.

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

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

4.5 ORS 696.301(3) as it incorporates:

a. OAR 863-015-0145(1) (01/01/2018 Edition), which states: (1) If a real estate licensee, whether active or inactive, either directly or indirectly offers or negotiates for the sale,

exchange, lease option, or purchase of real estate within this state and the licensee is a principal to the transaction, the licensee must disclose to the other party to the offer or transaction that the licensee is a real estate licensee. The licensee must make the disclosure in any advertising or display signs, and it must appear in writing on at least the first written document of agreement concerning the offer or transaction. The disclosure set forth on the agreement document also must state that the real estate licensee is representing himself or herself as either the buyer or the seller in the transaction.

b. OAR 863-015-0145(3) (1/01/2018 Edition), which states: (3) each transaction described in section (1) of this rule of a real estate broker associated with a principal broker must be conducted under the supervision of the licensee's principal broker and all documents and funds must be transmitted through the licensee's principal broker.

c. OAR 863-015-0250(1)(c) (01/01/2018 Edition), which requires (1) complete and adequate records of professional real estate activity include complete, legible, and permanent copies of all documents required by law or voluntarily generated during a real estate transaction, including all offers received by or through real estate brokers or principal brokers to the client, including, but not limited to, the following: (c) a copy of any written agreement for the listing, sale, purchase, rental, lease, lease option, or exchange of real property generated by a real estate broker or principal broker while engaging in professional real estate activity that must be signed by all parties to such agreement.

d. OAR 863-015-0250(1)(f), (01/01/2018 Edition) which requires (1) complete and adequate records of professional real estate activity include complete, legible, and permanent copies of all documents required by law or voluntarily generated during a real estate transaction, including all offers received by or through real estate brokers or principal brokers to the client, including, but not limited to, the following: (f) a copy of any other document within the scope of the agency relationship provided to or received by a client through a real estate broker or principal broker during the term of an agency relationship.

ULTIMATE FINDINGS OF FACT

5.

5.1 Riddle failed to keep a copy of the seller's property disclosure and

termination agreement and did not maintain complete and adequate professional real estate records.

5.2 Riddle failed to keep a copy of the purchase and sale agreement and did not maintain complete and adequate professional real estate records.

5.3 Riddle failed to disclose in the transaction documents that she was licensed and self-represented.

5.4 Riddle failed to conduct the transaction under the supervision of Riddle's supervising principal broker.

5.5 Riddle failed to make the mortgage payments for December 2020, January 2021, and February 2021, and as of March 16, 2021, failed to pay the final water bill.

5.6 Riddle's actions demonstrated incompetence and untrustworthiness, and are below the standard of care for professional real estate activity in Oregon.

5.7 In summary, the facts above establish grounds to reprimand Riddle's broker license.

CONCLUSIONS OF LAW

6.

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

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

6.3 Based on these violations, the Agency may reprimand Riddle's broker license.

6.4 Specifically, Riddle is subject to discipline pursuant to ORS 696.301(1), (3), (12) and (15). A reprimand of Riddle's broker license is appropriate for violations of ORS 696.301(1), (3), (12) and (15), which states in part a licensee's real estate license may be disciplined if they have: (1) created a reasonable probability of damage or injury to a person by making one or more material misrepresentation or false promises in a matter related to professional real estate activity; (3) disregarded or violated any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency; (12) demonstrated incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license; (15) engaged in any conduct that is

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

6.5 Based on the evidence in the record, the preponderance of the evidence weighs in favor of the reprimand of Riddle's broker license.

6.6 The Agency may therefore, reprimand Riddle's broker license.

6.7 Pursuant to ORS 696.775, the inactive status of Riddle's license does not prohibit the Commissioner from proceeding with this, or further action.

OPINION

7.

The Agency takes its consumer protection role very seriously. Riddle demonstrated a lack of competence and inappropriate conduct in the subject transaction. In order for principal brokers to properly supervise their brokers, they must rely on brokers to submit all transaction documents in a timely manner. Riddle failed to submit transaction documents to her principal broker for review, so there was no oversight of her professional real estate activity. Furthermore, Riddle failed to keep proper records of the transaction, as required. Lastly, Riddle failed to make the mortgage payments as agreed in the contract for the months of December 2020 and January and February 2021. Riddle also neglected to pay the water bill for six months. Even though the subject property recently sold and Riddle paid the outstanding water bill, these failures still occurred. Riddle's conduct demonstrated incompetence and untrustworthiness and was below the standard of care for professional real estate activity in Oregon.

The specific violations are repeated here below:

(1) By failing to keep a copy of the seller's property disclosure and termination agreement, Riddle failed to maintain complete and adequate professional real estate records in violation of ORS 696.301(3) as it incorporates OAR 863-015-0250(1)(f), (01/01/2018 Edition) which requires (1) complete and adequate records of professional real estate activity include complete, legible, and permanent copies of all documents required by law or voluntarily generated during a real estate transaction, including all offers received by or through real

estate brokers or principal brokers to the client, including, but not limited to, the following: (f) a copy of any other document within the scope of the agency relationship provided to or received by a client through a real estate broker or principal broker during the term of an agency relationship.

(2) By failing to keep a copy of the purchase and sale agreement, Riddle failed to maintain complete and adequate professional real estate records in violation of ORS 696.301(3) as it incorporates OAR 863-015-0250(1)(c) (01/01/2018 Edition), which requires (1) complete and adequate records of professional real estate activity include complete, legible, and permanent copies of all documents required by law or voluntarily generated during a real estate transaction, including all offers received by or through real estate brokers or principal brokers to the client, including, but not limited to, the following: (c) a copy of any written agreement for the listing, sale, purchase, rental, lease, lease option, or exchange of real property generated by a real estate broker or principal broker while engaging in professional real estate activity that must be signed by all parties to such agreement.

(3) By failing to disclose in the transaction documents that she was licensed and self-represented, Riddle violated ORS 696.301(3) as it incorporates OAR 863-015-0145(1) (01/01/2018 Edition), which states: (1) If a real estate license, whether active or inactive, either directly or indirectly offers or negotiates for the sale, exchange, lease option, or purchase of real estate within this state and the licensee is a principal to the transaction, the licensee must disclose to the other party to the offer or transaction that the licensee is a real estate licensee. The licensee must make the disclosure in any advertising or display signs, and it must appear in writing on at least the first written document of agreement concerning the offer or transaction. The disclosure set forth on the agreement document also must state that the real estate licensee is representing himself or herself as either the buyer or the seller in the transaction.

(4) By failing to run the transaction through Premiere and Riddle's supervising principal broker, Riddle violated ORS 696.301(3) as it incorporates OAR 863-015-0145(3) (1/01/2018 Edition), which states: (3) each transaction described in section (1) of this rule of a real estate broker associated with a principal broker must be conducted under the supervision of the

ORDER

IT IS HEREBY ORDERED that the broker license of Kamichia Renee Riddle be and hereby is, reprimanded.

Dated this 20th day of July, 2021.

OREGON REAL ESTATE AGENCY

DocuSigned by:

Steven Strode

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Steven Strode

Real Estate Commissioner

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

Certificate of Service

On July 20, 2021, I mailed and emailed the foregoing Final Order by Default issued on this date in Agency Case No. 2020-483.

By: First Class Mail

Kamichia Renee Riddle
2868 SE Quail Dr
Gresham, OR 97080

By Email:

Kamichia Renee Riddle
renee.riddle81@gmail.com

Brandie Seibel
brandieseibel@gmail.com

Nenah Darville
Licensing Specialist

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
SAMUEL JOHNSON) STIPULATED FINAL ORDER

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

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1 Johnson was licensed as a property manager working under the registered business name A Property Management Company.

1.2 In 2015 Johnson took over managing the funds for A Property Management Company when the previous property manager left.

1.3 From 2015 until 2019 John used clients' trust account ending in #3352 for rents and security deposits.

1.4 During the investigation, Johnson did not have a completed three-way reconciliation for clients trust account ending in #3352. Johnson had not been reconciling the account with the three required components (three-way reconciliation), instead he had only been reconciling to the bank statement (two-way reconciliation).

1.5 Johnson stated he was working toward reconciling and rebuilding the records to be able to complete the reconciliations. Johnson was in the process of figuring out where the funds belonged and was going through achieved records to work through the reconciliations.

(1) Violation: By failing to reconcile clients' trust account ending in #3352 associated with A Property Management from at least 2015 when Johnson acquired the company, Johnson

1 violated ORS 696.301(3) as it incorporates OAR 863-025-0028(2) (1-1-18, 1-1-19, 1-1-20, 1-1-
2 21 Editions) and OAR 863-025-0025(20) (5-15-14, 11-15-16 Editions) which requires a
3 property manager to reconcile each clients' trust account within 30 calendar days of the date of
4 the bank statement pursuant to the requirements contained in this section.

5 **(3) Violation:** From years 2015 through 2019 Johnson commingled rents and security
6 deposits in clients' trust account ending in #3352 in violation of ORS 696.301(3) as it
7 incorporates OAR 863-025-0025(6) (1-1-18, 1-1-19, 1-1-20, 1-1-21 Editions) and OAR 863-
8 025-0025(4) (5-15-14, 11-15-16 Editions) which requires a property manager who receives
9 security deposits on behalf of an owner must open and maintain a security deposits account,
10 as defined in OAR 863-025-0010, that is separate from the property manager's clients' trust
11 account.

12 1.6 Johnson stated most of the funds in clients' trust account ending in #3352 were
13 property management fees he hadn't transferred out.

14 1.7 Johnson provided an aggregated report and owner ledgers for check number
15 #6578 for \$5,053.28 dated September 20, 2019. The memo line showed "Jun 2019."
16 Supporting documentation for the check indicates the funds consisted of property management
17 and placement for June 2019.

18 1.8 Johnson provided a report and owner ledgers for check number 6583 for
19 \$2,048.99, dated September 20, 2019. The memo line showed, "Dec 2018." Supporting
20 documentation for the check indicates the funds consisted of property management and
21 placement fees for December 2018.

22 **(2) Violation:** By failing to transfer property management fees of clients' trust account
23 ending in #3352 Johnson violated ORS 696.301(3) as it incorporates OAR 863-025-0027(6)
24 (1-1-18, 1-1-19, 1-1-20, and 1-1-21 Editions) and OAR 863-025-0025(15) (5-15-14, 11-15-16
25 Editions) which states: A property manager must disburse earned management fees from the
26 clients' trust account at least once each month unless a different schedule of disbursement is
27 specified in the property management agreement, and may only disburse such fees if sufficient
28 funds are available.

29 1.9 During the investigation, Johnson said he had requested the bank statements for
30 June 2016 through December 2019 to rebuild the files because they had a few different

1 accounting systems during that span.

2 **(4) Violation:** By failing to maintain records required to reconcile clients' trust account
3 ending in #3352 Johnson violated ORS 696.301(3) as it incorporates OAR 863-025-
4 0035(1)(b)(j)(3)(b) (5-15-14, 11-15-16, 1-1-18, 1-1-19, 1-1-20 Editions) and ORS 696.280(1)
5 (2013, 2015, 2017, and 2019 Editions). OAR 863-025-0035(1)(b)(j)(3)(b) states in part, (1)
6 the property manager's records of management of rental real estate are "complete and
7 adequate" as required if records contain at least the following: (b) Clients' trust account and
8 security deposit account records required by OAR 863-025-0000 to 863-025-0080 and ORS
9 Chapter 696; (j) Records of the reconciliation of each clients' trust account and security
10 deposits account, including the reconciliation document; (3) If a property manager uses a
11 computerized system for creating, maintaining and producing required records and reports: (b)
12 Posting of owner ledgers, record of receipts and disbursements, tenant ledgers and
13 manipulation of information and documents must be maintained in a format that will readily
14 enable tracking and reconciliation. ORS 696.280(1) (2013, 2015, 2017, and 2019 Editions)
15 states a licensed real estate property manager or principal real estate broker shall maintain
16 within this state, complete and adequate records of all professional real estate activity
17 conducted by or through the licensed real estate property manager or principal real estate
18 broker.

19 1.10 A review of the owners ledgers provided by Johnson indicated the ledgers lacked
20 the following required identification information for deposits of funds: the amount of funds
21 received, the purpose of the funds and identity of the person who tendered the funds, the
22 check number, cash receipt number/unique series of letters/numbers to establish an audit
23 trail lacked the check number, or letter or numbers that establish an audit trail for the receipt of
24 funds, and the date the funds were deposited. For each disbursement of funds the owner
25 ledger lacked all of the required identifying details.

26 **(5) Violations:** The owner ledgers provided did not meet the minimum requirements a
27 violation of ORS 696.301(3) as it incorporates OAR 863-025-
28 0055(3)(b)(B)(C)(D)(c)(A)(B)(C)(D)(E)(d) (1-1-19 Edition) which states: (3) All owner ledgers
29 must contain at least the following information:(b) For each deposit of funds: (B) The purpose
30 of the funds and identity of the person who tendered the funds; (C) The check number, cash

1 receipt number or a unique series of letters and/or numbers that established an audit trail to
2 the receipt of funds; and (D) The date the funds were deposited; (c) For each disbursement of
3 funds: (A) The date the funds were disbursed; (B) The amount of funds disbursed; (C) The
4 check number or bank-generated electronic tracking number; (D) The payee of the
5 disbursement; (E) The purpose of the disbursement; and (d) The balance after each recorded
6 entry.

7 1.11 All of the above violations demonstrate incompetence in performing any act for
8 which Johnson is required to hold a license.

9 **(6) Violation:** ORS 696.301(12) (2013, 2015, 2017, and 2019 Editions) which states a
10 licensee's real estate license may be disciplined if they have demonstrated incompetence in
11 performing any act for which the real estate licensee is required to hold a license.

12
13 2.

14 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.
15 Based on these violations a reprimand is appropriate for violations of ORS 696.301(3) and
16 (12).

17 2.2 The Agency reserves the right to investigate and pursue additional complaints
18 that may be received in the future regarding this licensee.

19 2.3 In establishing the violations alleged above, the Agency may rely on one or more
20 of the definitions contained in ORS 696.010.

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

29 ///

30 ///

STIPULATION & WAIVER

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

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

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

ORDER

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

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by: Samuel Johnson
C27480940095487...
SAMUEL JOHNSON

DocuSigned by: Steven Strode
D141D267DDE14A0...
STEVEN STRODE



Real Estate Commissioner

Date 8/25/2021 | 10:17 AM PDT

Date 8/25/2021 | 11:26 AM PDT

Date of Service: 08/25/2021

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Property Manager License)
of)
WESLEY JEROME FREEMAN)

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Wesley Jerome Freeman (Freeman) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1 Freeman was initially licensed as a property manager on September 25, 2006. Currently, Freeman's property manager license is inactive.

1.2 On February 17, 2021, Chris Aufett submitted a complaint to the Agency on behalf of his mother Shirley Burke (Burke) against Freeman.

1.3 On February 1, 2018, Freeman's license expired when he failed to renew in January 2018. On May 15, 2018, Freeman renewed his license but failed to associate his license with a registered business name, and therefore, starting June 16, 2018, Freeman's property manager license became inactive.

1.4 Between February 1, 2018 and October 18, 2018, Freeman did not have an active license. On October 19, 2018, Freeman's license became active again and was associated with the registered business name WJ Freeman LLC Property Management.

1.5 The property management agreement dated August 20, 2017, between Shirley Burke and WJ Freeman LLC was for the following three properties: 2836 Greentree, 1995 W 28th, and 2795 Garfield, Eugene Oregon.

///

STIPULATION & WAIVER

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

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

ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.990 and based upon the violation set forth above, Freeman pay a civil penalty in the sum of \$100.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to the Agency.

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:

Wesley Freeman

4EFBA229DDB4430...

WESLEY JEROME FREEMAN

Date 8/25/2021 | 11:33 AM PDT

DocuSigned by:

Steven Strode

D141D267DDE14A0...

STEVEN STRODE

Real Estate Commissioner

Date 9/1/2021 | 7:53 AM PDT



Date of Service: 09/01/2021

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional
Real Estate Activity of
SAMUEL S. FUNG

STIPULATED FINAL ORDER AND ORDER
TO CEASE AND DESIST

The Oregon Real Estate Agency (Agency) and Samuel S. Fung (Fung) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1. Fung previously held real estate licenses in Oregon between 2002 and 2012. On June 8, 2012, Fung's principal broker license was revoked. Since the revocation of Fung's license, Fung has not been licensed to conduct professional real estate activity in Oregon.

1.2 The Agency received an anonymous complaint with a commercial real estate advertisement from Loopnet. In the advertisement, Sam Fung of CW Tower Industries, LTD, offered a commercial building located at 523 Rossanley Dr., Medford Oregon for sale. The Agency opened an investigation.

1.3 Oregon Secretary of State website showed CW Tower Industries, LTD (CW Tower) as an active business with Rob Brenneman (Brenneman) listed as company president listed and Bob Robertson (Robertson) as the registered agent.

1.4 Fung described himself as retired, but also was a full time employee of CW Tower.

1.5 Fung's profile in the broker directory on Loopnet.com (commercial real estate advertising medium), noted his education and extensive experience in real estate and identified his professional specialty as "investment sale broker."

1 1.6 At the time Fung advertised the property, 523 Rossanley Drive in Medford,
2 Oregon (523 Rossanley) was tilted to Robert C. Husel (R. Husel). 523 Rossanley is a
3 commercial building that houses an automotive repair business owned by David Husel (D.
4 Husel). R. Husel and D. Husel had been in negotiations for R. Husel to purchase 523
5 Rossanley but could not reach an agreement. R. Husel's attorney, Robertson got involved and
6 relayed an offer to sell to D. Husel.

7 1.7 Fung approached D. Husel and introduced himself as representing D. Husel's
8 father, R. Husel in the sale of the property. Fung encouraged D. Husel to take R. Husel's initial
9 asking price. D. Husel stated, "The one time I did speak to him in person on site he absolutely
10 represented himself as the selling agent."

11 1.8 On March 9, 2020, D. Husel became aware of the commercial real estate listing
12 of the property on the LoopNet website. D. Husel contacted Fung, whose name and phone
13 number were included in the advertising as a point of contact regarding various errors in the
14 advertisement.

15 1.9 Fung and D. Husel exchanged text messages about the advertisement, and
16 Fung wrote to D. Husel, "Still like to help you buy the property," and informed D. Husel interest
17 rates were low.

18 1.10 According to Fung, this transaction was separate from CW Tower business and
19 was solely related to Robertson's legal representation of R. Husel. Per Fung there is no formal
20 compensation arrangement with Robertson for this type of work, and sometimes he was not
21 always paid for the work he does. Fung was not paid for his work on the Rossanley property
22 but stated he might have been paid if he had procured a buyer for a successful transaction.

23 **(1) Violation:** By advertising, offering to sell, and attempting to negotiate for sale the
24 property located at 523 Rossanley Drive, Medford, Oregon, Fung engaged in unlicensed
25 professional real estate activity as defined in ORS 696.010(17)(b)(c)(d)(i) (2019 Edition), in
26 violation ORS 696.020(2) (2019 Edition), which states; (2) An individual may not engage in,
27 carry on, advertise or purport to engage in or carry on professional real estate activity, or act in
28 the capacity of a real estate licensee, within this state unless the individual holds an active
29 license as provided for in this chapter.

30 ///

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

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

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ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Fung immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(17)(a) to (n) (2019 Edition). The Commissioner's authority for this order is under ORS 696.397.

IT IS FURTHER ORDERED that, pursuant to ORS 696.990 and based upon the violation set forth above, Fung pay a civil penalty in the sum of \$2,500.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to the Agency.

IT IS SO STIPULATED:

IT IS SO ORDERED:



SAMUEL S. FUNG

Date July 1st, 2021

DocuSigned by:


D141D267DDE14A0...
STEVEN STRODE



Real Estate Commissioner
Date 7/21/2021 | 7:48 AM PDT

Date of Service: 07/21/2021

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Property Manager License)
of)
BARBARA MCCOSH NEWTON)

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Barbara McCosh Newton (Newton) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1 On August 27, 2020, Newton submitted a renewal application to renew her property manager license. On the application, Newton answered, "Yes" to the following question: "At any time during the past 24 months, while holding an inactive or expired real estate license, have you conducted professional real estate activity?"

1.2 Newton made the following comment on the question. "Work as a property management under LOFT Property Management employee, part time." The Agency opened an investigation.

1.3 From the investigation it was discovered that Newton assisted landlord Bill Johnson, owner of Loft Property Management, starting in mid-2017 and worked with him part-time as an unlicensed employee managing Johnson's properties.

(1) Violation: By engaging in the management of rental real estate activity prior to having an active license, Newton engaged in professional real estate activity as defined in ORS 696.010(17)(h) in violation of ORS 696.020(2). ORS 696.020(2) states an individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state unless the individual holds an active license. ORS 696.010(14) defines management of rental real estate activity.

1 the licensee for a violation of ORS 696.020(2); or (4) revise or render null and void an order
2 suspending or revoking a license.

3 STIPULATION & WAIVER

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

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

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ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.990 and based upon the violations set forth above, Newton pay a civil penalty in the sum of \$600.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to the Agency.

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:

Barbara McCosh Newton

FC69B539C37A488...

BARBARA MCCOSH NEWTON

Date 7/21/2021 | 11:48 AM PDT

DocuSigned by:

Steven Strobe

D141D267DDE14A0...

STEVEN STRODE

Real Estate Commissioner

Date 7/28/2021 | 9:30 AM PDT

Date of Service: 07/28/2021



REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional)
Real Estate Activity of)
HEMANT PRASAD)

FINAL ORDER BY DEFAULT AND ORDER
TO CEASE AND DESIST

PROCEDURAL HISTORY

1.

1.1 On July 1, 2021, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Assess a Civil Penalty and Order to Cease and Desist*. The Oregon Real Estate Agency (Agency) sent the *Notice of Intent* to Prasad's last known address of record with the Agency. The *Notice of Intent* was also mailed to Prasad by regular first class mail.

1.2 The notice was also emailed to Prasad at his email address of record.

1.3 Neither the certified mailing nor the first class mailing have been returned to the Agency. Over 20 (20 days) have elapsed since the mailing of the notice issued in this matter and no written request for hearing has been received.

2.

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

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

2.2 Prasad's last known address of record with the Agency was 8920 Emerald Park Dr. STE J, Elk Grove, CA 95624-2380.

2.3 A certified mailing of the *Notice of Intent* was mailed to Prasad at Prasad's last known address of record on July 1, 2021. The certified mailing of the notice has not been returned to the Agency.

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

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

2.6 As noted in paragraph 9 of the *Notice of Intent to Assess a Civil Penalty and Order to Cease and Desist*, the Agency's entire investigation file was designated as the record for purposes of presenting a prima facie case upon default, including submissions from Prasad and all information in the administrative file relating to the mailing of notices and any responses received.

FINDINGS OF FACT

3.

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

3.2 On May 4, 2020, California broker Prasad advertised a Quality Inn & Suites + Roadway Inn hotel located at 9727 NE Sandy Blvd., Portland, OR 97220 (subject property) for sale on Loopnet.com. The Agency opened an investigation.

3.3 The Loopnet.com advertisement was created on April 2, 2020. The advertisement for the subject property stated the property was offered at \$11,900,000 at a 6.5% cap rate.

3.4 The subject property was owned by Darshan Randhawa (Randhawa) and Manjit Kaur (Kaur).

3.5 During an interview on February 17, 2021, Prasad stated he works for American Motel & Hotel Brokers (AMHB) who had listed the subject property from

March 2020 through August 2020.

3.6 The subject property listing agreement between AMHB and the sellers, Randhawa and Kaur commenced on March 2, 2020. The agreement stipulates a listing price of \$11,900,000 where Prasad would receive a 2.5% commission upon the successful sale of the subject property. The listing agreement was signed by Prasad as the “Designated Broker.”

3.7 Prasad said they received a few offers on the subject property and worked with a buyer who had to terminate due to failed financing.

3.8 Prasad acknowledged he did not have an Oregon real estate license and said this was the first time he listed a property within the state. He said it was his understanding that commercial properties with more than 1-4 units didn’t require a license in Oregon. Prasad said the sellers approached him directly about selling the property and he quickly listed for the sellers as a favor. Prasad he advertised the property on Loopnet.com.

STATEMENT OF LAW

4.

4.1 ORS 696.020(2) (2019 Edition) states an individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state unless the individual holds an active license as provided for in this chapter.

4.2 ORS 696.990(4)(a) and (b) (2019 Edition) states any person that violates ORS 696.020(2) may be required by the Real Estate Commissioner to forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount determined by the commissioner of: (a) not less than \$100 nor more than \$500 for the first offense of unlicensed professional real estate activity; and (b) not less than \$500 nor more than \$1,000 for the second and subsequent offenses of unlicensed professional real estate activity.

4.3 ORS 696.010(6) (2019 Edition) defines “compensation” as: valuable consideration for services rendered or to be rendered, whether contingent or otherwise.

4.4 ORS 696.010(17)(b)(c)(d)(i)(j) (2019 Edition) defines “Professional real estate activity” as: any of the following actions, when engaged in for another and for compensation or with the intention or in the expectation or upon the promise of receiving or collecting compensation, by any person who: (b) offers to sell exchange, purchase, rent or lease real estate; (c) negotiates, offers, attempts or agrees to negotiate the sale, exchange, purchase, rental or leasing of real estate; (d) lists, offers, attempts or agrees to list real estate for sale; (i) purports to be engaged in the business of buying, selling, exchanging, renting or leasing real estate; (j) assists or directs in the procuring of prospects, calculated to result in the procuring of prospects, calculated to result in the sale, exchange, leasing or rental of real estate.

4.5 ORS 696.010(19) (2019 Edition) defines “real estate” as: includes leaseholds and licenses to use including, but not limited to, timeshare estates and timeshare licenses as defined in ORS 94.803, as well as any and every interest or estate in real property, whether corporeal or incorporeal, whether freehold or nonfreehold, whether held separately or in common with others and whether the real property is situated in this state or elsewhere.

4.6 Per ORS 696.040(2019 Edition) one act or transaction of professional real estate activity is sufficient to constitute engaging in professional real estate activity.

4.7 ORS 696.397 states if the Agency has reason to believe that a person has engaged, is engaging or is about to engage in a violation of ORS 696.020(2) the Agency may, issue an order directing a person to cease and desist from the violation or threatened violation.

4.8 The Agency may rely on one or more definitions contained in ORS 696.010.

ULTIMATE FINDINGS OF FACT

5.

5.1 Prasad engaged in unlicensed professional real estate activity.

5.2 Prasad engaged in unlicensed professional real estate activity with the expectation and intention to receive compensation.

5.3 Prasad’s actions constitute grounds to impose a civil penalty per ORS 696.990(4)(a) and (b), as well as entry of an order to cease and desist from engaging in any professional real estate activity under ORS 696.397.

CONCLUSIONS OF LAW

6.

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

6.2 The material facts establish grounds to impose a civil penalty per ORS 696.990(4)(a) and (b), as well as entry of an order to cease and desist from engaging in any professional real estate activity under ORS 696.397.

6.3 Based on the violations of ORS 696.020(2), the Agency may assess a civil penalty against Prasad and as well as an entry of an order to cease and desist from engaging in any professional real estate activity.

6.4 Based on the evidence in the record, the preponderance of the evidence weighs in favor of the civil penalty against Prasad and an entry of an order to cease and desist from engaging in any professional real estate activity.

6.5 The Agency may therefore assess a civil penalty against Prasad and enter an order to cease and desist from engaging in any professional real estate activity.

OPINION

7.

The Agency takes its consumer protection role very seriously. To protect consumers, an individual must be licensed to engage in professional real estate activity in Oregon (ORS 696.020(2)). Prasad did not have an Oregon real estate license, yet Prasad engaged in professional real estate activity by entering into a listing agreement, advertising the Oregon subject property, and attempting to negotiate the sale.

The specific violation is repeated here below:

(1) By entering into a listing agreement for the subject property located in Oregon and advertising the subject property while not licensed to do so, Prasad engaged in unlicensed professional real estate activity as defined in ORS 696.010(17)(b),(c),(d), (i) and (j) (2019 Edition), in violation of ORS 696.020(2) and ORS 696.040 (2019 Edition). ORS 696.020(2) states an individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity or act in the capacity of a real estate licensee, within this state

unless the individual holds an active license as provided in this chapter. ORS 696.040 states one act or transaction of professional real estate activity is sufficient to constitute engaging in professional real estate activity, within the meaning of this chapter.

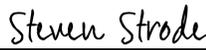
ORDER

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

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

Dated this 29th day of July, 2021.

OREGON REAL ESTATE AGENCY

DocuSigned by:

D141D267DDE14A0...
Steven Strode
Real Estate Commissioner

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

Certificate of Service

On July 29, 2021, I mailed and emailed the foregoing Final Order by Default issued on this date in the Agency Case No. 2020-144.

By: First Class Mail

Hemant Prasad
8920 Emerald Park Dr Ste J
Elk Grove, CA 95624-2380

By Email:

Hemant Prasad
spmprocessing@gmail.com

Jenifer Wetherbee
Compliance Specialist

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional
Real Estate Activity of
JAMES MARTIN PAULSON

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and James Martin Paulson (Paulson) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

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

1.2 On June 11, 2020, the Agency received a complaint from Anthony Mark Forhan against Paulson. The Agency opened an investigation.

1.3 On September 9, 2011, Paulson completed an application for a property manager license. Included with the application was a transcript from Portland Community College showing completion of property management classes. The application was received by the Agency on September 14, 2011.

1.4 Paulson passed his property management exam on October 21, 2011.

1.5 Comments in the Agency licensing system from November 15, 2011, notes an association form was received by fax but was incomplete. The notes indicate he was called by Agency staff and would be sending in a registered business name form.

1.6 Paulson's license has never been active, and it was never associated with a registered business name.

1.7 Paulson was unaware did not have an active license. He thought once he passed

1 the test he had a license and was allowed to do property management activity.

2 1.8 Franklin Court Apartments (FCA) consists of 4 buildings located at 5004, 5112,
3 5120 and 5132 SE Clinton St Portland, OR. Each building had 5 rental units. FCA was owned
4 by a family trust, D3&G Properties LLC (D3&G). The four member/owners of the Trust were
5 Dirk DeVries (DeVries), Dirk Bouma, Darlene Bouma, and Julianne Thorson.

6 1.9 Gloria Gee, had been a major shareholder in the trust prior to passing away in
7 April 2020. Initially, Gee performed the property management work until becoming ill and the
8 decision was made to hire a property manager.

9 1.10 According to DeVries, Paulson and Gee made a verbal agreement as to what
10 Paulson would be paid for his property management services. Paulson's main job was to keep
11 all apartments rented. Paulson would find and screen tenants, negotiate and sign rental/lease
12 agreements, and prepare and process paperwork. According to DeVries, Paulson would
13 collect any deposits charged and first month's rent from new tenants and keep it as his fee.
14 Other monthly rents were collected by DeVries.

15 1.11 Paulson started managing the FCA sometime in the fall of 2019 through April
16 2021.

17 1.12 An engagement agreement and property management agreement was provided
18 by DeVries shows Paulson's company JMPDX LLC at the top of the agreement. The
19 engagement agreement is between JMPDX LLC and D3&G and the location shows the 4
20 different addresses for FCA. The engagement agreement shows 20 unit and has a pricing
21 schedule and is signed by Gee, but not Paulson. The property management agreement is not
22 completed and mostly blank and unsigned by Paulson and property owner.

23 1.13 Three rental lease agreements for 5104 Unit D for Conner O'Daniel, 5132 Unit E
24 Sarah Beckman and 5120 Unit C Thomas Vidosh are all signed and prepared by Paulson
25 during the time he managed the FCA.

26 **(1) Violation:** Paulson negotiated, prepared, and signed a rental agreement with Sarah
27 Beckman for 5132 SE Clinton St, Unit E, Portland OR, 97206. Paulson conducted professional
28 real estate activity as defined by ORS 696.010(17)(h), which includes the management of
29 rental real estate defined by ORS 696.010(14) (Edition 2019), without an active license, in
30 violation of ORS 696.020(2) (Edition 2019). ORS 696.020(2) states an individual may not

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

4 **(2) Violation:** Paulson negotiated, prepared, and signed a rental agreement with Connor
5 O'Daniel for 5102 SE Clinton St, Unit D, Portland OR, 97206. Paulson conducted professional
6 real estate activity as defined by ORS 696.010(17)(h), which includes the management of
7 rental real estate defined by ORS 696.010(14) (Edition 2019), without an active license, in
8 violation of ORS 696.020(2) (Edition 2019). ORS 696.020(2) states an individual may not
9 engage in, carry on, advertise or purport to engage in or carry on professional real estate
10 activity, or act in the capacity of a real estate licensee, within this state unless the individual
11 holds an active license as provided for in this chapter.

12 **(3) Violation:** Paulson negotiated, prepared, and signed a rental agreement with Thomas
13 Vidosh for 5120 SE Clinton St, Unit C, Portland OR, 97206. Paulson conducted professional
14 real estate activity as defined by ORS 696.010(17)(h), which includes the management of
15 rental real estate defined by ORS 696.010(14) (Edition 2019), without an active license, in
16 violation of ORS 696.020(2) (Edition 2019). ORS 696.020(2) states an individual may not
17 engage in, carry on, advertise or purport to engage in or carry on professional real estate
18 activity, or act in the capacity of a real estate licensee, within this state unless the individual
19 holds an active license as provided for in this chapter.

20 1.14 On June 23, 2020, a review of Zillow.com was done and a page for Paulson was
21 discovered. The Zillow page showed Paulson's specialties were property management and
22 landlord. The page also showed a property management license number which corresponds
23 with Paulson's credential number in the Agency licensing system.

24 **(4) Violation:** By advertising property management services and Paulson's property
25 management company as well as listing a license number on Zillow.com, Paulson engaged in
26 professional real estate activity without an active license, in violation of ORS 696.020(2)
27 (Edition 2019), which states (2) An individual may not engage in, carry on, advertise or purport
28 to engage in or carry on professional real estate activity, or act in the capacity of a real estate
29 licensee, within this state unless the individual holds an active license as provided for in this
30 chapter.

2.

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

STIPULATION & WAIVER

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

I hereby agree and stipulate to the above findings of fact and conclusions of law and understand that the order which follows hereafter may be completed and signed by the Real Estate Commissioner or may be rejected by the Real Estate Commissioner. I understand that, in accordance with the provisions of ORS 696.445(3), notice of this order shall be published in the Oregon Real Estate News Journal. I agree once the Commissioner executes this stipulated order, I will accept service of 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, pursuant to ORS 696.990 and based upon the violation set forth above, Paulson pay a civil penalty in the sum of \$1,600.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to the Agency.

IT IS SO STIPULATED:

IT IS SO ORDERED:



DocuSigned by:
James Paulson
1FC619FC2843444...
JAMES MARTIN PAULSON

DocuSigned by:
Steven Strode
D141D267DDE14A0...
STEVEN STRODE

Date 8/19/2021 | 4:22 PM EDT

Date 9/1/2021 | 7:54 AM PDT

Date of Service: 09/01/2021

**REAL ESTATE BOARD
REGULATION DIVISION REPORT
October 4, 2021**

Regulation Division Manager: Elli Kataura

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

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

Compliance Specialist 2: Carolyn Kalb

Division Overview

The Agency receives complaints and determines if an investigation is appropriate. Open cases are assigned to investigators to gather facts (from interviews and documents), prepare a detailed written report and submit for Administrative Review. The Compliance Coordinators conducting the Administrative Review work evaluate whether the evidence supports a violation of Agency statutes or administrative rules. When a case finds sufficient cause to sanction a license, the case is elevated to the Commissioner for review. When the Commissioner supports a sanction, the Compliance Coordinators conduct a settlement conference to resolve cases without a contested case hearing. If the respondent requests a hearing, the Investigator works with the Assistant Attorney General in preparing for and presenting the case at hearing.

Personnel

There are no current vacancies or recruitments in the Regulation 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 9/15/21</u>
Complaint	40	44	33	25	20	26	19	18	33
Investigation***	50	56	73	66	64	87	76	42	46
(# of Investigators)	6	7	7	7	7*	6-7**	7	7	7
Admin Review	27	33	28	40	35	61	21	9	12
Settlement Process	19	22	38	34	45	46	23	8	9

* 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 for OREA Board
7/17/2021 through 9/16/2021
(corresponding orders are attached)

REVOCATIONS

Kuhlmann, John Erick (Redmond), Principal Broker 200404120, Final Order by Default dated July 20, 2021, issuing a revocation.

SUSPENSIONS

None

REPRIMANDS

Riddle, Kamichia Renee (Gresham), Broker 201217740, Final Order by Default dated July 20, 2021, issuing a reprimand.

Johnson, Samuel (Beaverton), Property Manager 201213921, Stipulated Final Order dated August 25, 2021.

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

Freeman, Wesley Jerome (Eugene) Property Manager, 200007027, Stipulated Final Order dated September 1, 2021, issuing a \$100.00 civil penalty.

UNLICENSED ACTIVITY

Fung, Samuel S. (Medford), Unlicensed, Stipulated Final Order dated July 21, 2021, issuing a \$2,500 civil penalty.

Newton, Barbara McCosh (Ontario), Property Manager 201221029, Stipulated Final Order dated July 28, 2021, issuing a \$600 civil penalty.

Prasad, Hemant (Elk Grove, CA), Unlicensed, Final Order by Default dated July 29, 2021, issuing a \$500.00 civil penalty.

Paulson, James Martin (Portland) Property Manager, 201109051, Stipulated Final Order dated September 1, 2021, issuing a \$1,600 civil penalty.

**REAL ESTATE BOARD
LAND DEVELOPMENT DIVISION REPORT
October 4th, 2021**

Division Manager: Michael Hanifin

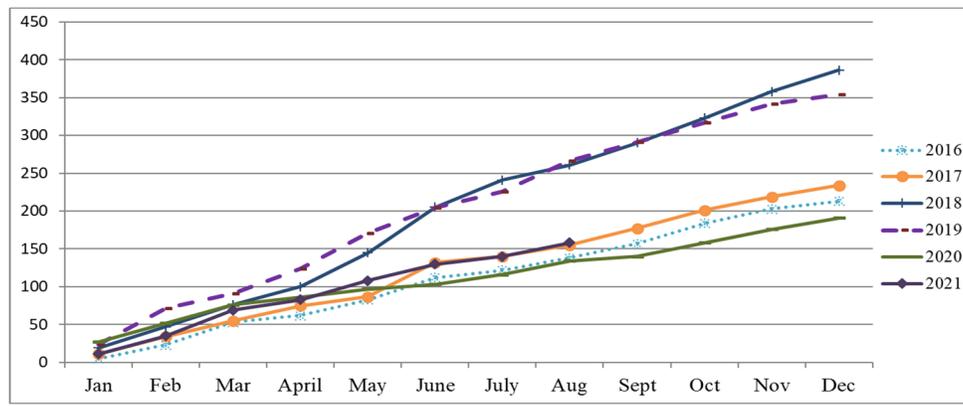
Division Overview

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

Personnel

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

Workload and Activity Indicators



Through end of August the division has received 158 filings. When comparing filing volume thru end of August for all years of the past decade, current volume exceeds all years except 2018 and 2019.

Rulemaking Overview

The agency is in the process of creating permanent rule that provides a process for the agency to assign course numbers for some continuing education courses. This is necessary to ensure that licensees renewing after July 1st, 2022 have taken a LARC course that includes education on federal and state fair housing laws as required by HB 2701 (2021 Regular Session).

Notice of permanent rulemaking was made September 9th, and a hearing is scheduled for October 20th, 10:00 AM. The public comment period is currently open and will close on October 27th at 1:00 PM.

Rules Affected: The following rules are being amended: 863-020-0005, 863-020-0050, 863-020-0055

A copy of the notice is attached to this report (below).

NOTICE OF PROPOSED RULEMAKING

CHAPTER 863

REAL ESTATE AGENCY

FILING CAPTION: Modifying rules to allow agency to assign course numbers when necessary.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/27/2021 1:00 PM

HEARING(S): DATE: 10/20/2021

TIME: 10:00 AM

OFFICER: Michael Hanifin

ADDRESS: Remote Hearing Only

500 Center Street NE, Suite 100

Salem, OR 97301

SPECIAL INSTRUCTIONS:

Contact the agency for remote hearing instructions

NEED FOR THE RULE(S):

The agency will use assigned course numbers to ensure that licensees take qualifying Law and Rule education courses that comply or HB 2701 (2021 Regular Session) which requires 3 hours of educational content on Fair Housing laws.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 696.385. Available through the Oregon Legislative Archive.

FISCAL AND ECONOMIC IMPACT:

This change is not anticipated to create an economic impact as assigning course numbers is a very limited activity that the agency anticipates can be absorbed within existing resources.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There will be no impact on businesses or other agencies, as the REA will create course numbers and provide them to the educators for use.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Affected parties, including small business continuing education providers, were included in the advisory committee created to provide input on this rulemaking.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

CONTACT:

Michael Hanifin

971-719-6319

michael.b.hanifin@oregon.gov

530 Center Street NE, Suite 100

Salem, OR 97301

RULES PROPOSED:

863-020-0005, 863-020-0050, 863-020-0055

AMEND: 863-020-0005

RULE TITLE: Definitions

RULE SUMMARY: Modified the definition of "Course Identification Number" in para (7) to include course numbers assigned by the agency.

RULE TEXT:

As used in this division, unless the context requires otherwise:

- (1) "Agency" means the Oregon Real Estate Agency.
- (2) "Applicant" means either an individual as defined in section (7) of this rule, or a person as defined in section (10) of this rule.
- (3) "Board" means the Oregon Real Estate Board.
- (4) "Commissioner" means the Real Estate Commissioner.
- (5) "Continuing education credit hour" means one hour of instruction provided by a continuing education provider.
- (6) "Continuing education provider" means a person certified by the Agency under OAR 863-020-0030 to offer real estate continuing education courses that are eligible for credit. The continuing education courses are taught by an instructor.
- (7) "Course identification number" means a unique four-digit identifying course number assigned by a continuing education provider or as assigned by the Oregon Real Estate Agency.
- (8) "Individual" means a human being, not a legal entity.
- (9) "Instructor" means an individual who teaches, for a continuing education provider, a real estate continuing education course that is eligible for credit. An instructor must meet the qualifications in ORS 696.186 and OAR 863-020-0060. The Agency does not certify instructors.
- (10) "Licensed real estate property manager" is defined in ORS 696.010.
- (11) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than a government agency.
- (12) "Principal real estate broker" is defined in ORS 696.010.
- (13) "Provider number" means a unique identifying number assigned by the Agency to a certified continuing education provider under OAR 863-020-0030.
- (14) "Real estate broker" is defined in ORS 696.010.
- (15) "Real estate licensee" is defined in ORS 696.010 and includes a real estate broker, principal real estate broker, and a real estate property manager.
- (16) "Broker advanced practices course" means the advanced course in real estate practices provided in ORS 696.174.
- (17) "Property manager advanced practices course" means the advanced course in property management practices provided in ORS 696.174.
- (18) "Principal broker advanced practices course" means the advanced course in brokerage practices provided in ORS 696.174.

STATUTORY/OTHER AUTHORITY: ORS 696.385

STATUTES/OTHER IMPLEMENTED: ORS 696.174, ORS 696.182, ORS 696.186

AMEND: 863-020-0050

RULE TITLE: Continuing Education Provider Responsibilities

RULE SUMMARY: This rule relates to duties of continuing education providers, including para four, which relates to record keeping requirements. Modified para (4)(d) to include course numbers assigned by the Real Estate Agency.

RULE TEXT:

(1) For each course offered, a continuing education provider must:

(a) Ensure that a course offered for continuing education credit is within the scope of one or more course topics listed in OAR 863-020-0035(3) or is a three-hour law and rule required course on recent changes in real estate rule and law under 863-022-0055;

(b) Identify to real estate licensees the course eligibility for continuing education credit as one of the following:

(A) A continuing education course under OAR 863-020-0035 and which course topic(s) the offered course covers,

(B) The course is a three-hour rule and law required course under OAR 862-022-0055,

(C) The course is the broker advanced practices course under OAR 863-022-0020,

(D) The course is the principal broker advanced practices course under OAR 863-022-00xx.

(E) The course is the property manager advanced practices course under OAR 863-022-0022, or

(F) The course is the brokerage administration and sales supervision course under OAR 863-022-0025;

(c) Ensure that the course meets the requirements for the length of a course under OAR 863-20-0007;

(d) Assign to each course a unique identifying course number;

(e) Ensure that courses offered under OAR 863-020-0035 meet the learning objective requirements contained in 863-020-0045; and

(f) Ensure that the instructor who teaches a continuing education course offered for credit:

(A) Meets the requirements set forth in ORS 696.186, and

(B) Completes and signs the form required by OAR 863-020-0060.

(2) A continuing education provider may provide the broker advanced practices course, the principal broker advanced practices course, the property manager advanced practices course, or the brokerage administration and sales supervision course only if the provider and the course have been approved under OAR 863, division 22.

(3) A continuing education provider must keep records as required by OAR 863-020-0055.

(4) A continuing education provider must give each licensee who completes a course a completed certificate of completion that includes:

(a) The licensee's name and license number;

(b) The name of the course;

(c) The name of the certified course provider and provider number;

(d) The course identification number assigned by the course provider or as assigned by the Oregon Real Estate Agency;

(e) Identification of the course eligibility for continuing education credit as one of the following:

(A) A continuing education course under OAR 863-020-0035 and which course topic(s) the offered course covers,

(B) The course is a three-hour rule and law required course under OAR 862-022-0055,

(C) The course is the broker advanced practices course under OAR 863-022-0020,

(D) The course is the principal broker advanced practices course under OAR 863-022-0021.

(E) The course is the property manager advanced practices course under OAR 863-022-0022, or

(F) The course is the brokerage administration and sales supervision course under OAR 863-022-0025;

(f) The date and location of the course;

(g) The length of time of each course; and

(h) The name of the instructor who taught the course.

STATUTORY/OTHER AUTHORITY: ORS 696.385

STATUTES/OTHER IMPLEMENTED: ORS 696.174, ORS 696.182, ORS 696.184

AMEND: 863-020-0055

RULE TITLE: Continuing Education Provider Record-keeping Requirements

RULE SUMMARY: This rule relates to continuing education provider record keeping requirements. Modified para (1)(b) to include course numbers assigned by the Oregon Real Estate Agency.

RULE TEXT:

(1) A real estate continuing education provider must keep records in paper or electronic form, as directed by the Agency, of each course provided for three years from the date the course was provided. These records must include:

- (a) The name of the course,
- (b) The course identification number assigned by the course provider or as assigned by the Oregon Real Estate Agency,
- (c) Identification of the course eligibility for continuing education credit as one of the following:
 - (A) A continuing education course under OAR 863-020-0035 and which course topic(s) the offered course covers,
 - (B) The course is a three-hour rule and law required course under OAR 862-022-0055,
 - (C) The course is the broker advanced practices course under OAR 863-022-0020,
 - (D) The course is the principal broker advanced practices course under OAR 863-022-0021.
 - (E) The course is the property manager advanced practices course under OAR 863-022-0022, or
 - (F) The course is the brokerage administration and sales supervision course under OAR 863-022-0025;
- (d) The date and location of the course,
- (e) The length of time of each course,
- (f) The name of the instructor who taught the course,
- (g) The signed form required by OAR 863-020-0060 containing the statement of instructor qualifications, and
- (h) The licensee's name and license number for each licensee attending the course on that date.

(2) All continuing education providers, whether located within or outside of this state, must keep the required records at the address provided on the application form.

(3) A real estate continuing education provider must produce records within 15 business days after the date of a request by the Agency.

STATUTORY/OTHER AUTHORITY: ORS 696.385

STATUTES/OTHER IMPLEMENTED: ORS 696.184

STATUTORY/OTHER AUTHORITY: ORS 696.385

STATUTES/OTHER IMPLEMENTED: ORS 696.184

**REAL ESTATE BOARD
ADMINISTRATIVE SERVICES DIVISION REPORT
October 4, 2021**

Administrative Services Manager: Mesheal Heyman

Accountant: Caty Karayel

Systems Administrator: Tiffani Miller

Program Analyst: Rus Putintsev

Operation & Policy Analyst: Denise Lewis

Division Overview

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

Personnel

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

Budget Update

Revenue for the 2019-2021 biennium came in at **\$10.7 million**. Expenses for the same period came to **\$7.8 million**.

The Legislative Adopted Budget for the 2021-2023 biennium is **\$9.8 million**. The Agency started the new biennium with cash reserves of **\$5.5 million**.

Office Update

Due to a change in the number of COVID-19 cases and as directed by the governor's office, the Agency has postponed the return of staff to the office. However, work continues on preparing the office for an eventual return. Office walls have been painted and carpets were cleaned.

Communications

The Agency is reconfiguring the Oregon Real Estate News-Journal into an e-newsletter format. The new format will allow articles to be easily searchable through our website search. We plan to launch this for the December issue.

Real Estate Agency - AY21

2019-2021 Budget - Biennium through June 30th 2021

<i>Budget Codes</i>		<u>19-2021 Legislative Approved Budget</u>	<u>Expected Total Expenditures for Biennium (current)</u>	<u>Expected Remaining Limitation at end of Biennium</u>
	Total Personal Services	7,066,023	6,289,745	776,278
4100 & 4125	In-State Travel & Out-of-StateTravel	98,762	42,677	56,085
4150	Employee Training	36,994	24,611	12,383
4175	Office Expenses	83,040	32,134	50,906
4200	Telecom/Tech Services & Support	64,621	60,697	3,924
4225	State Government Services	233,574	302,551	(68,977)
4250	Data Processing	109,297	124,889	(15,592)
4275	Publicity & Publications	36,718	6,090	30,628
4300 & 4315	Professional Services & IT Professional Services	186,339	208,789	(22,450)
4325	Attorney General Legal Fees	293,465	206,052	87,413
4375	Employee Recruitment	7,748	0	7,748
4400	Dues & Subscriptions	9,575	5,782	3,793
4425	Facilities Rent & Taxes	254,611	241,453	13,158
4475	Facilities Maintenance	4,519	8,544	(4,025)
4575	Agency Program Related S&S	41,308	(1,105)	42,413
4650	Other Services & Supplies	88,482	171,848	(83,366)
4700	Expendable Property \$250-\$5000	29,148	8,055	21,093
4715	IT Expendable Property	162,972	83,416	79,556
	Total Services & Supplies	1,741,173	1,526,483	214,690
	Totals	8,807,196	7,816,228	990,968

Real Estate Agency - AY23
2021-2023 Budget - Biennium to Date through June 30th 2023

<i>Budget Codes</i>		<u>21-2023 GB</u>	<u>Expected Total Expenditures for Biennium (current)</u>	<u>Expected Remaining Limitation at end of Biennium</u>
	Total Personal Services	7,071,078	7,476,061	(404,983)
4100 & 4125	In-State Travel & Out-of-StateTravel	103,008	11,437	91,571
4150	Employee Training	38,585	36,483	2,103
4175	Office Expenses	86,611	26,361	60,250
4200	Telecom/Tech Services & Support	67,400	74,704	(7,304)
4225	State Government Services	265,226	362,881	(97,655)
4250	Data Processing	113,997	120,940	(6,943)
4275	Publicity & Publications	38,297	4,250	34,047
4300 & 4315	Professional Services & IT Professional Services	196,960	165,555	31,405
4325	Attorney General Legal Fees	284,277	196,482	87,795
4375	Employee Recruitment	8,081	250	7,831
4400	Dues & Subscriptions	9,987	7,450	2,537
4425	Facilities Rent & Taxes	265,559	255,289	10,270
4475	Facilities Maintenance	4,713	11,992	(7,279)
4575	Agency Program Related S&S	922,042	922,042	0
4650	Other Services & Supplies	92,287	176,751	(84,464)
4700	Expendable Property \$250-\$5000	30,401	9,000	21,401
4715	IT Expendable Property	169,980	61,655	108,325
	Total Services & Supplies	2,697,411	2,443,522	253,889
	Totals	9,768,489	9,919,583	(151,094)

**REAL ESTATE BOARD
EDUCATION & LICENSING DIVISION REPORT
October 4, 2021**

Education & Licensing Manager: Madeline Alvarado

Compliance Specialist: Tami Schemmel, Roger McComas, Jenifer Wetherbee

Administrative Specialist: Elizabeth Hardwick, Nenah Darville, Yuleni Rodriguez

Division Overview

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

Personnel

There are no current vacancies or recruitments in the Education & Licensing Division

Education Update

Broker Advanced Practices Course- One recently revised BAP course was reviewed and the required edits were delivered to the education provider on 9/27/21.

Licensing Update

New individual application types- Increased by 100% in July (from June to July) and decreased by 34% in August.

License renewals- July 86% and August 89% of broker licensees renewed their licenses on time.

Phones- Phone calls for July decreased by 12% (when compared to June's stats) and August calls decreased by 2% when compared to July's stats. The average hold time for July was 26 seconds and for August was 15 seconds.

Upcoming

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

RBN Renewal

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

Licensing Statistics

Total Licensee Counts by Month:

Individuals (Persons)	Jul-21	Aug-21
Broker – Total	17,535	17,598
Active	15,855	15,948
Inactive	1,680	1,650
Principal Broker - Total	6,420	6,418
Active	6,041	6,042
Inactive	379	376
ALL BROKERS Total	23,955	24,016
Active	21,896	21,990
Inactive	2,059	2,026
Property Manager - Total	943	945
Active	831	833
Inactive	112	112
MCC Salesperson	16	20
MCC Broker	1	1
TOTAL INDIVIDUALS	24,915	24,982
Active	22,744	22,844
Inactive	2,171	2,138
Facilities (Companies)		
REMO	4	4
Registered Business Name (RBN)	3,873	3,869
Registered Branch Office (RBO)	790	796
Escrow Organization	71	71
Escrow Branch	148	149
Condominium Filing (CO)	175	185
Unit Owners Association	1,012	974

Pre-License Education Provider (PEP)	26	26
CEP	299	302
MCC Operator	25	25
TOTAL FACILITIES	6,423	6,401
TOTAL INDIVIDUALS & FACILITIES	31,338	31,383

New Licenses by Month:

Individuals (Persons)	Jul-21	Aug-21
Broker	258	168
Principal Broker	13	14
TOTAL BROKERS	271	182
Property Manager	14	10
MCC Salesperson	0	4
MCC Broker	0	0
TOTAL INDIVIDUALS	285	196
Facilities (Companies)		
Continuing Education Provider (CEP)	1	3
REMO	0	0
Registered Business Name	20	25
Registered Branch Office	10	7
Escrow Organization	1	0
Escrow Branch	0	0
Condominium Filing	0	1
Unit Owners Association	8	3
Pre-License Ed Provider	0	0
MCC Operator	0	0
TOTAL FACILITIES	39	36
TOTAL INDIVIDUALS & FACILITIES	324	232

Exam Statistics

August 2021

ALL LICENSING EXAMS Total

Broker	522
Property Manager	20
Principal Broker	66
Reactivation	1

Pass Rates

<i><u>First Time Pass Rate</u></i> <i><u>Percentage</u></i>	<i><u>2017</u></i>	<i><u>2018</u></i>	<i><u>2019</u></i>	<i><u>2020</u></i>	<i><u>2021</u></i>
Broker State	61	58	57	50	47
Broker National	73	72	70	68	67
Principal Broker State	58	59	51	53	56
Principal Broker National	76	77	69	63	55
Property Manager	69	67	64	58	66

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

New Applications													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Brokers	513	419	528	380	374	345	319	352					3230
Principal Brokers	43	39	49	36	34	26	30	28					285
Property Managers	20	25	18	22	31	28	25	25					194
Total	576	483	595	438	439	399	374	405					3709

Renewal Activity														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	461	445	528	518	512	526	520	563					4073
	Inactive	27	31	30	22	30	41	37	36					254
Late	Active	54	44	45	36	30	43	36	44					332
	Inactive	11	7	11	10	12	9	11	10					81
Lapse		123	101	120	121	113	102	110	86					876
Total		676	628	734	707	697	721	714	739					5616

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	220	189	223	225	196	238	252	239					1782
	Inactive	12	2	6	8	5	12	9	12					66
Late	Active	11	11	11	10	2	18	9	16					88
	Inactive	1	1	2	1	2	3	2	3					15
Lapse		25	18	19	28	32	23	23	17					185
Total		269	221	261	272	237	294	295	287					2136

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

Property Managers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	34	29	32	29	36	33	33	33					259
	Inactive	5	2	1	1	3	0	3	1					16
Late	Active	1	0	2	0	0	1	2	2					8
	Inactive	0	1	0	1	1	0	0	0					3
Lapse		8	12	4	9	10	1	10	7					61
Total		48	44	39	40	50	35	48	43					347

Grand Total (Brokers, Principal Brokers, Property Managers)														
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Total Eligible to Renew		993	893	1034	1019	984	1050	1057	1069					8099
On Time	Active	715	663	783	772	744	797	805	835					6114
	Inactive	44	35	37	31	38	53	49	49					336
Late	Active	66	55	58	46	32	62	47	62					428
	Inactive	12	9	13	12	15	12	13	13					99
Total Renewed		837	762	891	861	829	924	914	959					6977
Lapse		156	131	143	158	155	126	143	110					1122

% On Time		76.4 %	78.2%	79.3%	78.8%	79.5%	81.0%	80.8%	82.7%	%	%	%	%	79.6%
% Late		7.9%	7.2%	6.9%	5.7%	4.8%	7.0%	5.7%	7.0%	%	%	%	%	6.5%
% Failed to Renew(Lapsed)		15.7%	14.7%	13.8%	15.5%	15.8%	12.0%	13.5%	10.3%	%	%	%	%	13.9%
Total		100.0 %												

Oregon Real Estate Agency 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
Licensee Application & Renewal 2020 Data

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

Grand Total (Brokers, Principal Brokers, Property Managers)

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

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

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	1653	1616					1766
Average Wait Time	:51	:36	:29	:29	:24	:18	:26	:15					:28.5
Maximum Wait Time	0:19:17	0:10:52	0:09:59	0:10:43	0:08:58	0:06:37	0:28:56	0:06:49					0:12:46

(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