



Oregon

Tina Kotek, Governor

AGENDA ITEM NO.

I.C.

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

Notice of Agency
OREGON REAL ESTATE BOARD
Regular Meeting Agenda – Videoconference (Zoom)
April 3, 2023

- I. BOARD BUSINESS - Chair Gonzalez**
 - A. Call to Order
 - B. Chair Gonzalez comments/Roll Call
 - C. Approval of the Agenda and Order of Business
 - D. Approval of 2.6.23, regular meeting minutes
 - E. Date of the Next Meeting: 06.05.23 to begin at 10am, Location: Oregon Real Estate Agency Office-Salem
- II. PUBLIC COMMENT - Chair Gonzalez**
 - 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 Gonzalez Waiver request log.**
 - A. Kristie Hornbeck
- IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER - Chair Gonzalez.**
 - A. Dave Porter
 - B. Jim Allhiser
- V. BOARD ADVICE/ACTION - Commissioner Strode**
 - A. none
- VI. NEW BUSINESS - Commissioner Strode**
- VII. COMMUNICATIONS - ADMINISTRATIVE ACTIONS SUMMARY - Chair Gonzalez**
- VIII. REPORTS – Chair Gonzalez**
 - A. Commissioner Strode
 - B. Agency division reports-Deputy Commissioner Higley
 1. Regulations, Elli Kataura
 2. Land Development Division, Michael Hanifin
 3. Administrative Services, Mesheal Heyman
 4. Licensing and Education, reference written report by Madeline Alvarado
 5. Compliance Division, Liz Hayes
- IX. ANNOUNCEMENTS – Chair Gonzalez.** Next board meeting: 06.05.23 to begin at 10am, Location Oregon Real Estate Agency Office Salem – 530 Center St NE Suite 100, Salem, Oregon 97301
- X. ADJOURNMENT – Chair Gonzalez**

Interpreter services, auxiliary aids for persons with disabilities, and access to attend remotely by videoconference are available upon advance request.



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OREGON REAL ESTATE BOARD
Regular Meeting Minutes – Via Zoom
February 6, 2023
10:00 a.m.

BOARD MEMBERS PRESENT:

Jose Gonzalez
Susan Glen (arrived at 10:39 a.m.)
Alex MacLean
Marie Due
Michael Warren
LaTasha Beal
Kim Hedding
Lawnæ Hunter
Pat Ihnet

BOARD MEMBERS ABSENT:

None

OREA STAFF PRESENT:

Steve Strode, Commissioner
Anna Higley, Deputy Commissioner
Elli Kataura, Regulation Division Manager
Liz Hayes, Compliance Division Lead
Mesheal Heyman, Administrative Services Division Manager
Michael Hanifin, Land Development Manager

CITIZEN:

Barbara Geyer
Robyn Shepro
Adam Abplanalp

I. BOARD BUSINESS - Chair Gonzalez

- A. Call to Order
- B. Chair Gonzalez comments/Roll Call
- C. Approval of the Agenda and Order of Business

**MOTION TO APPROVE 4.6.2022 REGULAR MEETING AGENDA AS SUBMITTED BY MICHAEL WARREN
SECONDED BY MARIE DUE**

MOTION CARRIED BY UNANIMOUS VOTE

- D. Approval of 12.5.22, regular meeting minutes

**MOTION TO APPROVE 12.5.2022 REGULAR MEETING MINUTES AS SUBMITTED BY KIM HEDDINGER
SECONDED BY MARIE DUE**

MOTION CARRIED BY UNANIMOUS VOTE

- E. Date of the Next Meeting: 04.03.23 to begin at 10am, Location TBD

II. PUBLIC COMMENT - Chair Gonzalez

- 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.



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III. REQUESTS FOR WAIVERS - Chair Gonzalez Waiver request log.

A. Kristie Hornbeck

MOTION TO APPROVE KRISTIE HORNBECK FOR EXPERIENCE WAIVER BY LAWNAE HUNTER
SECONDED BY KIM HEDDINGER

AYE: LAWNAE HUNTER, KIM HEDDINGER, LATASHA BEAL, JOSE GONZALEZ

NAY: MARIE DUE, PATRICIA INHAT, ALEX MACLEAN, MICHAEL WARREN

ABSTAIN: SUSAN GLEN

MOTION DOES NOT CARRIES, TIE VOTE

IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER - Chair Gonzalez.

A. Oregon State Credit Union

MOTION TO APPROVE OREGON STATE CREDIT UNION AS A CONTINUING EDUCATION PROVIDER BY ALEX
MACLEAN

SECONDED BY PAT IHNAT

MOTION CARRIES WITH UNANIMOUS VOTE

V. BOARD ADVICE/ACTION - Commissioner Strode

A. none

VI. NEW BUSINESS - Commissioner Strode

VII. COMMUNICATIONS - ADMINISTRATIVE ACTIONS SUMMARY - Chair Gonzalez

VIII. REPORTS – Chair Gonzalez

A. Commissioner Strode

B. Agency division reports-Deputy Commissioner Higley

1. Regulations, Elli Kataura
2. Land Development Division, Michael Hanifin
3. Administrative Services, Mesheal Heyman
4. Licensing and Education, Maddy Alvarado
5. Compliance Division, Liz Hayes

IX. ANNOUNCEMENTS – Chair Gonzalez. Next board meeting: 04.03.23 to begin at 10am, Location TBD

X. ADJOURNMENT – Chair Gonzalez

OREGON REAL ESTATE AGENCY – Experience Requirement Waiver Request Log (2018-2023)

<p>AGENDA ITEM NO. III.</p>
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DATE	NAME	LICENSE TYPE	APPROVED/DENIED	FACTS AND BOARD DISCUSSION
04.02.18	Ross Kelley	PB	Denied	<p>FACTS: Ross Kelley requests a waiver of experience to become a principal broker. Mr. Kelley explained his request was based on his legal experience on both residential and commercial real estate and also that his business model would be a small scale of commercial properties. Dave Koch asked Mr. Kelley about his attitude towards managing and Mr. Kelley responded that his goal would be to provide exemplary service and he has reviewed ORS Chapter 696. Mr. Koch asked Mr. Kelley if he had supervision experience and Mr. Kelley responded that has supervised paralegals, attorneys and in his current position as well. Alex MacLean asked Mr. Kelley if he has had any experience with day to day transaction activity and Mr. Kelley responded he has worked with many brokers as well as buyers and sellers.</p> <p>MOTION TO DENY MR. KELLEY’S REQUEST FOR WAIVER OF EXPERIENCE AND RECOMMEND MR. KELLEY MAKE HIS REQUEST AFTER ONE YEAR OF EXPERIENCE BY DAVE KOCH SECOND BY PAT IHNAT MOTION CARRIED BY UNANIMOUS VOTE</p>
06.04.18	Ryan McGraw	PB	Approved	<p>FACTS: Ryan McGraw requests experience waiver to become principal broker. Mr. McGraw appeared and explained the basis for his request for waiver was that he has practiced real estate law in some form for 9 years. He also explained that for the past 2 years he has been the equivalent to a principal broker in California, however, he relocated to Oregon and did not build the business in California. Mr. McGraw obtained his broker license in Oregon about a year ago and has handled some transactions but his goal was to build a residential property management business while continuing to sell homes. Dave Koch asked Mr. McGraw what supervisory experience he had. Mr. McGraw responded that for the last 6 years he has been responsible for supervising 22 staff in his current role. Dave Hamilton asked Mr. McGraw if he was operating as both realtor with a company and also the energy company. Mr. McGraw responded that he was operating as both. Commissioner Bentley clarified the area of concern for board members was Mr. McGraw his lack of experience in supervising new licensees and Mr. McGraw responded that he agreed with that concern and would only take on licensees that are fully experienced. Discussion: Alex MacLean stated although Mr. McGraw’s lack of experience with supervision was a concern Mr. MacLean was in support of approval of this motion. Mr. Koch asked Mr. McGraw to expand on his management process/experience and Mr. McGraw described how he has handled various personnel issues as a manager/supervisor. Jose Gonzalez also expressed his support for approval of this motion. Pat Ihnat asked Mr. McGraw how he handled lease negotiations and Mr. McGraw responded that he has been involved as supervising and also has used brokers.</p> <p>MOTION TO APPROVE RYAN MCGRAW’S REQUEST FOR WAIVER OF EXPERIENCE BY LAWNAE HUNTER SECOND BY PAT IHNAT MOTION CARRIED BY UNANIMOUS VOTE</p>
12.10.18	Joseph Edwards	PB	Withdrawn	Joseph Edwards requests an experience waiver, Mr. Edwards contacted the agency to cancel his appearance due to unsafe road conditions.
04.01.19	Ross Kelley	PB	Denied	<p>Ross Kelley requests experience requirement waiver. Chair Farley asked Mr. Kelley to expand on the basis of his request for a waiver. Mr. Kelley explained that since his appearance before the board about a year ago he had completed two transactions and had a listing pending. Mr. Kelley stated that becoming a principal broker would allow him to provide quality service to his clients and also open his own real estate brokerage firm. DISCUSSION: Alex MacLean expressed his appreciation to Mr. Kelley for appearing before the board for a second time and also encouraged him to continue gaining the required experience to become a principal broker. Jose Gonzalez explained that his personal experience of learning from principal brokers was instrumental for him in becoming a principal broker.</p> <p>MOTION TO DENY ROSS KELLEY’S REQUEST FOR WAIVER BY DEBRA GISRIEL SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE</p>
6.3.19	Ruth Howard	PB	Approved	<p>Ruth Howard requested a waiver of experience to become a principal broker. Howard appeared in person. Howard explained the basis for her request. Worked in real estate as a secretary for an office in 1980. Over the years she owned a small business and leased homes for a retirement community, She then got her real estate license. She was asked by the outgoing principal broker and the president of her current company to become the principal broker despite not having the required experience. Dave Koch asked if Laurie Thiel had comments. Thiel spoke on Howard’s behalf. Koch recused himself from the vote, but recommended approval comments. Thiel spoke on Howard's behalf, Koch recused himself from the vote, but recommended approval of the request. Pat Ihnat commented that Koch is usually is the one that questions experience waiver requests) and that Koch's support is uncharacteristic. Howard explained how her leasing experience helped her in professional real estate. Lawnae commented favorable on 1-loward1s background, Ihnat asked how many are in the office now. Howard responded 20. Lawnae asked about trust accounting experience. Debra Gisriel asked if there is another principal broker</p>

				<p>in the office who can step in, Thiel stated that there are licensees that who could meet the requirements but no one with the desire or skills to manage, Gisriel suggested that Howard take the Principal Broker Advanced Practices course and the Principal Broker Academy right away. Dave Hamilton asked question about transaction issues. Alex MacLean inquired about time line for Bill (current PB in the office) to mentor, number of deals occurring in office and experience of brokers in office. MacLean also asked how many RE/MAX offices are in Portland, where are management meetings held, if other RE/MAX management is available to her as a resource, and what her plans are for growing office. Koch commented on history of office. MacLean confirmed Bill is retiring from management of office, not from real estate business, and asked about Dave Koch's relationship with the office and RE/MAX. Ihnat commented when Howard obtains a principal broker license, she could leave RE/MAX and open her own office. Jef Farley commented on the shortcomings of the law requiring only three years of active licensed experience to obtain a principal broker license.</p> <p>DISCUSSION: Dave Hamilton commented he considers Dave Koch's recommendation. Lawnae agreed. Pat said leasing experience similar. Susan commented on past leasing experience and number of transactions completed.</p> <p>MOTION TO APPROVE RUTH HOWARD'S REQUEST FOR WAIVER OF EXPERIENCE BY PAT IHNAT. SECOND BY DEBRA GISRIEL.</p>
2.3.20	Christopher Ambrose	PB	Approved	<p>Christopher Ambrose, Mr. Ambrose explained that he had been practicing attorney with Ambrose Law Group and an active attorney for approximately 30 years. He also stated that he was one of three owners of Total Real Estate Group LLC, which is a residential brokerage based out of Bend and his waiver request is based on his hands on experience as well as working very closely with the principal broker employed at Total Real Estate Group. Mr. Ambrose reported his company closed approximately 70 ns last year, bringing in 55 million in sales and that he had worked with and assisted in the selection of software. Alex MacLean asked Mr. Ambrose how his becoming a principal broker would affect the current principal broker at the company. Mr. Ambrose explained that he would continue to work closely with the principal broker but focus on managing the office and allocating duties while principal broker would continue to produce. Dave Hamilton asked Mr. Ambrose is the current principal broker was a principal in the company and Mr. Ambrose stated current principal broker is not a principal in the company. Discussion: Pat Ihnat, Dave Hamilton and Kim Hedding all stated that they advocated the approval of the Mr. Ambrose's waiver request based on his experience in both the legal and real estate industry. Ms. Hedding asked Mr. Ambrose if his intention was to continue to practice law and Mr. Ambrose affirmed.</p> <p>MOTION TO APPROVE CHRISTOPHER AMBROSE'S WAIVER REQUEST BY ALEX MACLEAN SECOND BY PAT IHNAT MOTION CARRIED BY UNANIMOUS VOTE</p>
12.07.20	Jerry Jones	PB	DENIED	<p>Chair Hunter asked Mr Jones to explain the basis for his waiver request and he responded that he had held various business roles in the real estate industry, such as development projects, commercial management firm. He also explained that he wanted to expand to a brokerage firm and that having the principal broker designation would be a tremendous professional benefit. Susan Glen asked Mr Jones if he was aware of the 3 year requirement previously and re responded that he was aware of the requirement. Marie Due asked Mr. Jones if he had management experience. Mr. Jones explained that he had managed teams of 2 to 3 brokers and upwards of 20. Pat Ihnat stated that managing brokers requires dealing with substantive issues rather than broad management. Jose Gonzalez asked Mr. Jones what options were available to him if his waiver request were to be denied and Mr. Jones replied that the principal broker who plans on retiring would postpone his retirement if necessary.</p> <p>MOTION TO DENY JERRY JONES'S 3 YEAR EXPERIENCE WAIVER REQUEST BY ALEX MACLEAN SECOND BY MARIE DUE MOTION CARRIED BY UNANIMOUS VOTE</p>
12.07.20	Eric Zechnelley	PB		<p>Chair Hunter asked Mr. Zechnelley to explain the basis for his waiver request and he responded that his family owns and operates multiple businesses relating to various areas of real estate, which he has been involved in since he was in high school. He also explained that he received a Master Degree in Real Estate Development from Portland State University. Alex MacLean asked Mr. Zechnelley who he would be managing and what type of business and he responded that the business was a manufactured home company involving commercial real estate transactions and he would be managing a couple of brokers. Pat Ihnat asked Mr. Zechnelley how he believed his degree weighed in on answering questions from brokers and he replied that many of the courses he took covered law/rule content along with transaction processes. DISCUSSION: Pat Ihnat stated although Mr. Zechnelley's experience was with manufactured homes, his course study and degree were impressive. Alex MacLean stated Mr. Zechnelley's would benefit from more management experience.</p> <p>MOTION TO DENY ERIC ZECHNELLEY'S 3 YEAR EXPERIENCE WAIVER REQUEST BY ALEX MACLEAN SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE</p>
02.01.21	Robert Tessmer	PB	MOTION FAILED – TIE VOTE	<p>Chair MacLean asked Mr. Tessmer to explain the basis for his waiver request and he responded that his career had consisted of property searches, purchasing, rebuilding, and renovating. He also explained that as a veteran his goals were to work with</p>

				<p>disabled veterans and assist them with finding homes. Pat Ihnat asked Mr. Tessmer to explain how his experience met with the waiver request requirements and he explained that he his experience included lease negotiations, writing leases, and contract management. Vice Chair Ihnat asked Mr. Tessmer if he planned to employ brokers and he responded that at some point he would be employing brokers. Lawnae Hunter asked Mr. Tessmer to provide a summary of his supervisory experience and he responded that he had vast experience with contract management and managing people with setting their career enhancement guidelines. Lawnae Hunter also asked Mr. Tessmer if he was familiar with the financial responsibilities required of a principal broker. Mr. Tessmer explained that he was familiar with the financial responsibilities. Dave Hamilton asked Mr. Tessmer what experience he had with overseeing several brokers and ensuring that they follow proper guidelines and he responded he would have a business plan in place to facilitate proper supervision. Discussion: Chair MacLean asked Mr. Tessmer to elaborate on his connection to Mr. Larkin. Mr. Tessmer explained that his relationship with Mr. Larkin was as a mentor and seeking his advice/input on certain situations. Susan Glen asked Mr. Tessmer if he had considered working under the supervision of a principal broker for a period of time and he responded that he would not work well in that type of setting or environment.</p> <p>MOTION TO APPROVE ROBERT TESSMER'S EXPERIENCE WAIVER REQUEST BY LAWNAE HUNTER SECOND BY PAT IHNAT</p> <p>MOTION FAILS BY TIE VOTE (AYES: LAWNAE HUNTER, SUSAN GLEN, PAT IHNAT, ALEX MACLEAN. NAYS: MARIE DUE, DEBRA GISRIEL, KIM HEDDINGER, DAVE HAMILTON)</p>
02.01.21	Eric Zechnelley	PB	APPROVED	<p>Eric Zechnelley - Mr. Zechnelley asked Chair MacLean the reason the board denied his previous waiver request on 12.7.20 and both Chair MacLean and Dave Hamilton responded that the reason for the denial was lack his of experience. Vice Chair Ihnat stated that she would be inclined to support Mr Zechnelley's waiver request based on his college degree. David Malcolm, attorney for Mr. Zechnelley, explained that he reviewed the last 5 years of waiver requests and board meeting minutes and determined that Mr. Zechnelley has met the requirements for to qualify for a waiver request.</p> <p>MOTION TO APPROVE ERIC ZECHNELLEY'S WAIVER REQUEST BY PAT IHNAT SECOND BY LAWNAE HUNTER</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>
04.05.21	Robert Tessmer	PB	APPROVED	<p>Robert Tessmer - David Malcolm, attorney for Mr. Tessmer explained Mr. Tessmer's qualifications qualifying him for the waiver request. Alex MacLean asked Mr. Malcolm to explain Mr. Tessmer's anticipated supervisory duties would be and Mr. Malcolm responded that Mr. Tessmer had no plans to hire brokers. Pat Ihnat summarized Mr. Tessmer's business plan as a sole proprietor shop, assisting buyers to find property. Debra Gisriel asked Mr. Tessmer is he currently held a brokers' license or taken the principal broker's course work and Mr. Malcolm responded that Mr. Tessmer did not hold a broker's license or taken the principal broker's coursework.</p> <p>MOTION TO APPROVE ROBERT TESSMER'S EXPERIENCE WAIVER REQUIREMENT REQUEST BY LAWNAE HUNTER SECOND BY PAT IHNAT</p> <p>MOTION CARRIED BY 6 AYES (ALEX MACLEAN, PAT IHNAT, MARIE DUE, KIM HEDDINGER, JOSE GONZALEZ, AND LAWNAE HUNTER) AND 3 NAYS (DAVID HAMILTON, SUSAN GLEN, AND DEBRA GISRIEL)</p>
06.07.21	Michael Paluska	PB	APPROVED	<p>Michael Paluska explained his background as an attorney he did not practice litigation and had over 25 years of experience in real estate law. Chair MacLean asked Mr. Paluska what experience he had with continuing education and Mr. Paluska responded that he had provided continuing education for the commercial industry members and for attorneys. Lawnae Hunter asked Mr. Paluska if he intended to operate a traditional brokerage, which would include supervising other brokers and he indicated that was his intention. Chair MacLean asked Mr. Paluska to elaborate on his current supervisory role and he explained that his practice consisted of one attorney and his management experience has been managing staff at various companies that he has owned. Dave Hamilton asked if he intended to continue to run his law firm and Mr. Paluska responded that he would.</p> <p>MOTION TO APPROVE MICHAEL PALUSKA'S REQUEST FOR EXPERIENCE WAIVER BY PAT IHNAT SECOND BY KIM HEDDINGER</p> <p>MOTION CARRIED BY 8 YES VOTES (ALEX MACLEAN, PAT IHNAT, MARIE DUE, JOSE GONZALEZ, DEBRA GISRIEL, LAWNAE HUNTER, SUSAN GLEN, AND KIM HEDDINGER) ONE NO (DAVE HAMILTON)</p>
04.04.22	Dana McNeil	PB	APPROVED	<p>Dana McNeil requested board approval for a 21 month waiver of the 3 year broker experience requirement for the principal broker license. Ms. McNeil outlined her experience of 15 years in commercial real estate, working specifically in the GSA niche in real estate negotiation, project management and construction.</p> <p>MOTION TO APPROVE DANA MCNEIL'S REQUEST FOR EXPERIENCE WAIVER BY ALEX MACLEAN SECOND BY LAWNAE HUNTER</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>
06.06.22	Robert Pile	PB	MOTION FAILED – TIE VOTE	<p>MOTION TO APPROVE ROBERT PILE PRINCIPAL BROKER EXPERIENCE WAIVER BY ALEX MACLEAN SECOND BY LAWNAE HUNTER</p> <p>MOTION DOES NOT CARRY WITH SPLIT VOTE– (Gisriel-Nay, Due-Nay, Glen-Nay, Heddinger-Nay, Beal-Aye, Hunter-Aye, MacLean-Aye, Ihnet-Aye)</p>
12.5.22	Robert Pile	PB	APPROVED	<p>MOTION TO APPROVE ROBERT PILE'S REQUEST FOR EXPERIENCE WAIVER BY LAWNAE HUNTER SECOND BY LATASHA BEAL</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>

2.6.23	Kristie Hornbeck	PB	MOTION FAILED – TIE VOTE	MOTION TO APPROVE KRISTIE HORNBECK PRINCIPAL BROKER EXPERIENCE WAIVER MOTION BY LAWNAE HUNTER SECOND BY KIM HEDDINGER MOTION DOES NOT CARRY WITH SPLIT VOTE– (Hunter-Aye, Heddinge-Aye, Beal-Aye, Gonzalez-Aye, Due-Nay, Ihnat-Nay, MacLean-Nay, Warren-Nay, Glen-Abstain)
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Oregon Real Estate Board

Experience Requirement Waiver Request

Date: December 12, 2022
 Name Kristie L. Hornbeck
 Address: 1160 NW Constellation Drive
 Daytime Phone Number: 541-408-5143 Oregon License Number: 2012380005

GENERAL INFORMATION AND DOCUMENTATION

1. I am seeking an experience requirement waiver to become a real estate PRINCIPAL BROKER. (ORS 696.022 and OAR 863-014-0040)
2. I am currently licensed as a real estate broker in Oregon: Yes No
 If yes, please state the dates for which you held an Oregon real estate license: 12/15/2021 to present
 Was your Oregon license obtained through a reciprocal agreement with another state? Yes No
3. I am currently licensed or have held a real estate license in another state that was issued by the state's licensing authority: Yes No . Indicate the following

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

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

	Yes	No	Date Completed	Additional Required Information	Agency Use Only
Completed the "Broker Administration and Sales Supervision" course for principal real estate brokers. Must be completed PRIOR to waiver request.	X		09/29/2022	Attach original course certificate.	
Submitted the Real Estate License Application for Principal Broker license and \$300 fee. Must be completed PRIOR to waiver request.	X			Attach copy of confirmation letter from Agency.	
Successfully passed the Oregon Principal Broker exam. Must be completed PRIOR to waiver request.	X			National Score: <u>67</u> State Score: <u>44</u>	
Graduated from a four-year college or university with a degree in real estate curriculum approved by the Commissioner.(863-014-0042)		X		Attach official transcript to request, if any.	
Graduated with a two-year community college associates degree in real estate curriculum approved by the Commissioner. (863-014-0042)		X		Attach official transcript, if any.	
Substantial real estate-related experience equivalent to at least 3 years active licensed experience. Include any real estate designations achieved. (OAR 863-014-0042)	X			Attach a written details about your additional real estate experience that would assist in the Board's consideration of your waiver request.	

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

REQUIRED DOCUMENTS

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

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

HELPFUL DOCUMENTS

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

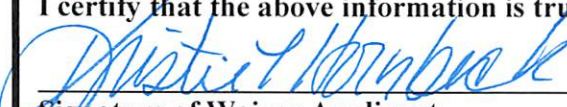

- o Letters of reference pertaining to your real estate experience
- o Letters of reference from current or past supervising principal brokers
- o Supervisory experience
- o Familiarity and experience in other related industries: escrow, title, mortgage, etc.

OTHER REQUIREMENTS

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

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

Please direct any questions to Madeline Alvarado at 971-719-3406 or madeline.c.alvarado@oregon.gov.

I certify that the above information is true to the best of my knowledge.	
 _____ Signature of Waiver Applicant	 _____ Date

2022 BOARD MEETING DATES

MEETING DATE

February 7, 2022
 April 4, 2022
 June 6, 2022
 August 1, 2022
 October 3, 2022
 December 5, 2022

WAIVER PACKET DUE DATE

January 17, 2022
 March 14, 2022
 May 16, 2022
 July 11, 2022
 September 12, 2022
 November 14, 2022

Principal Broker Course Completion Certificate

THIS CERTIFICATE WILL VERIFY THAT:

Kristie Hornbeck

Real Estate License Number: 201238005

Mailing Address of:

62958 NE Layton Ave, Ste 5, Bend, OR 97701

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

Brokerage Administration and Sales Supervision

The course credit granted is **40 hours** on the date of **September 29, 2022** at www.OnlineEd.com. The date of completion is the date the actual Internet study course examination was actually taken and graded. This course is approved by the Oregon Real Estate Agency to meet the requirements of the Oregon Principal Real Estate Broker - Brokerage Administration and Sales Supervision 40 hour course required as a prerequisite to obtaining an Oregon Principal Real Estate Brokers License.

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

OREGON REAL ESTATE AGENCY CERTIFIED CONTINUING EDUCATION COURSE

PROVIDER COURSE NUMBER: **1038-1039**

THIS COURSE WAS SPONSORED AND THIS CERTIFICATE ISSUED BY:



OnlineEd, LLC.

Chris Culbertson, School Director

7405 SW Beveland Road, Portland, OR 97223

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

Phone: (503) 670-9278

Certificate Authentication Number: 2089672

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

Click to verify: <https://www.onlineed.com/VERIFY?72AB-2E3E-D0CF-F0A8-198F>





Kristie Hornbeck <kristieh@mtvistahomes.com>

Payment Confirmation for E-Payments

1 message

Oregon Real Estate Agency <epaynoreply@usbank.com>
To: kristieh@mtvistahomes.com

Fri, Sep 30, 2022 at 4:02 PM

*** PLEASE DO NOT RESPOND TO THIS EMAIL ***

Thank you for your payment.

This email is to confirm your payment submitted on Sep-30-2022 for E-Payments.

Confirmation Number: ORREAB000223060
Payment Amount: \$300.00
Scheduled Payment Date: Sep-30-2022
Amount Due: \$300.00

Payer Name: Kristie Hornbeck
Credit Card Number: *
Credit Card Type: VISA
Approval Code: 002868

Merchant: REAL ESTATE EPAY
Website: <https://orea.elicense.irondata.com/>

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U.S. BANCORP made the following annotations

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KRISTIE L. HORNBECK
Licensed Oregon Real Estate Broker
PacWest Realty Group
389 SW Scalehouse Ct., Ste 110, Bend, Oregon 97702
o: 541-323-0239 / c: 541-408-5143
kristieh@mtvistahomes.com

December 12, 2022

Oregon Real Estate Board
530 Center St. NE, Ste 100
Salem, OR 97301

Re: Information in Support of Experience Waiver
Kristie L. Hornbeck (#201238005)

Dear Board Members:

First and foremost, thank you for taking the time to consider my request for an Experience Waiver. I write to you today to provide additional information about myself and information regarding my current and past experience in the real estate industry, that I believe provides me with the knowledge and experience required to manage a real estate business and provide appropriate supervision to Oregon real estate licensees.

Reason for Request: My current employer has offered me a position as its Principal Broker in 2023 should I be able to become eligible. Our current Principal Broker, Steven Wilson, is also a Chief Sales Officer for our affiliated company MonteVista Homes. With his elevation within the company structure and his added responsibilities during this difficult market, it has been determined that PacWest Realty Group will need to hire a principal broker. This opportunity is very important to my professional development and I feel confident in my ability to perform and to add value to not only my company, but the real estate community in general.

Real Estate Experience: I have attached to this application a copy of my professional resume as it documents that I have been involved in the real estate industry for over **25 years**. During the last two years and eight months with PacWest Realty Group, I have managed and participated in over **300** residential transactions and complex vacant/developable land acquisitions. During my many years of employment in law firms here in Oregon, I managed and participated in complex transactions for both the sale and purchase of residential and commercial real estate. I have also participated in the land use process at the state and local level. I have legal research skills and

knowledge with regard to the application of the Oregon Administrative Rules and Oregon Revised Statutes in Oregon. I have advanced research skills regarding real property records and encumbrances of title and vesting. I have assisted in the formation of many corporations, limited liability companies, and professional corporations. I have been a Notary for the State of Oregon for almost 30 years and have notarized and recorded hundreds of deeds.

Business and HR Experience: From 2007 until 2020 I served as an officer and director for an Oregon nonprofit with employees. I served first as a Secretary, then as Treasurer, and finally as Vice Present. HR decisions, employee oversight, annual budgeting, contract negotiation, taxes, and facilities agreements were required to be handled, managed, filed, and negotiated annually.

During my employment with PacWest Realty Group, I have managed four employees in the Transaction Department and fostered a positive working relationship with all of our brokers and escrow officers.

Accounting Experience: In addition to my time as a treasurer for the non-profit, as part of my employment at Brinich & Bertalan, LLP, I was tasked with preparing monthly invoices for the firm and worked together with another employee to ensure accurate trust account balances and transfers monthly. As one of their paralegals, I also prepared and managed annual accountings for their guardianship/conservatorship clients. This required meticulous review and documentation of banking transactions for an entire year for each protected person that were then filed and reviewed by the Deschutes County Probate Commissioner.

Thank you for the opportunity to share my experience and qualifications with you. Please feel free to reach out if you have any questions or need additional information not provided here or included with the Experience Requirement Waiver Request Packet.

Respectfully,



Kristie L. Hornbeck

KRISTIE L. HORNBECK
Licensed Oregon Real Estate Broker
PacWest Realty Group
389 SW Scalehouse Ct., Ste 110, Bend, Oregon 97702
o: 541-323-0239 / c: 541-408-5143
kristieh@mtvistahomes.com

RELEVANT EXPERIENCE:

PacWest Realty Group
MonteVista Homes
389 SW Scalehouse Ct, Ste 110
Bend, Oregon 97702
Transactions 2020 - Present

Brinich & Bertalan, LLP
250 NW Franklin Ave, Ste 101
Bend, Oregon 97702
Paralegal 2018 - 2020
Probate, Guardianship/Conservatorship Accounting, Business/Corp., and Civil Litigation

Lynch Conger, LLP
Miller Nash Graham & Dunn, LLP
1567 SW Chandler Ave, Ste 204
Bend, Oregon 97702
Paralegal 2015 to 2018
Litigation, Land Use, Real Estate, and Business/Corporate

Bend Swim Club, Inc., an Oregon nonprofit organization
800 NE 6th St
Bend, OR 97701
Board of Directors 2007 - 2020
Officer Positions: Secretary, Treasurer, Vice Present

Bryant, Lovlien & Jarvis, P.C.
591 SW Mill View Way Bend, Oregon 97702
Legal Assistant/Paralegal 1995 to 2015
Land Use, Real Estate, Business/Corporate, School Law, and Litigation
Receptionist 1992 to 1995

PROFESSIONAL LICENSES/MEMBERSHIPS

Oregon Notary 1993 – Present
Oregon Real Estate Broker 2021 – Present
Central Oregon Association of Realtors 2021 – Present
National Association of Realtors 2021 - Present

REAL ESTATE CERTIFICATES

Fundamentals of Transaction Coordination
Transaction Coordinator (TC) Launch Pad
Oregon Real Estate Broker Pre-License Training
Broker Advanced Practices
Law and Rule Required Course 2022-2023
Brokerage Administration and Sales Supervision

December 14, 2022

Oregon Real Estate Board
530 Center St. NE, Ste 100
Salem, OR 97301

Re: Experience Waiver – Current Employer Experience Verification and Letter of Recommendation
Kristie L. Hornbeck (#201238005)

Dear Board Members:

I have been a managing principal real estate broker in Oregon for more than 30 years. I support the Experience Waiver Request submitted by Kristie Hornbeck. Kristie has been with PacWest Realty Group and MonteVista Homes since April of 2020 managing our transaction department and as a licensed broker since 2021.

Kristie was hired during the Covid shut down in 2020 when the legal profession came to a virtual standstill. With over 25 years of experience in Oregon as a professional paralegal and legal assistant in Real Estate, Land Use, Business, and Litigation her background gave our company one of the most experienced, knowledgeable and ethical real estate professionals I have had the pleasure to work with.

Kristie's prior roles included managing complex real estate transactions, land use, land acquisitions, and complex business formations during her 25 years working for law offices. This has made her an excellent fit for managing our new home sales real estate transactions department and assisting in our land development acquisitions. Kristie's experience has been invaluable.

Since joining PacWest Realty Group in 2020 Kristie has been responsible for the closings of more than 350 new home sales, construction loans, and many complex land development acquisitions.

Kristie has a passion for real estate, the legal process, and compliance. Kristie's management of the transaction department has made my life so much better, every transaction is complete, processes developed, education review and continuous training. Kristie is respected by and has positive relationships with our Real Estate Brokers, construction, and accounting departments along with our executive team. She often provides support, mentoring, and guidance on best practices to our team.

I believe that Kristie's combined years of experience make her more than qualify her to become Principal Broker for our company.

Respectfully submitted,



Steven M Wilson, Principal Broker
PacWest Realty Group



MonteVista Homes & PacWest Realty Group

CCB# 203709

Built with You in Mind

www.MonteVistaHomes.com

December 12, 2022

Oregon Real Estate Board
530 Center St. NE, Ste 100
Salem, OR 97301

Re: Experience Waiver – Current Employer Experience Verification and Letter of Recommendation
Kristie L. Hornbeck (#201238005)

Dear Board Members:

I write to you in support of the Experience Waiver Request submitted by Broker, Kristie Hornbeck. Kristie has been with PacWest Realty Group and MonteVista Homes since April of 2020. However, she came to my business with over 25 years of experience in Oregon as a professional paralegal and legal assistant in Real Estate, Land Use, Business, and Litigation. Kristie managed complex business formations, transactions, and complex real estate and land use matters during those 25 years, which I determined made her an excellent fit for PacWest Realty Group and its future.

Since joining PacWest Realty Group in 2020 in the transaction department, which she manages, Kristie has been responsible for closings of our new home sales, construction loans, and land acquisitions. During her time with the company, Kristie has developed positive relationships with our Brokers and often provides support, mentoring, and guidance on best practices. Kristie's management responsibilities for the transaction department have included: process development, hiring, education, training, performance evaluation, performance improvement plans, and employee terminations.

Kristie's combined years of experience qualify her to take the next step in her professional journey and future with PacWest Realty Group by becoming a Principal Broker.

Sincerely,

Luke Pickerill, Principal Broker
Owner of PacWest Realty Group and MonteVista Homes



Hornbeck - Transaction Particip

From: 04/01/2020 - 12/31/2022

Note: Does not include lot and land acquisition transactions

	ADDRESS	ACTUAL CLOSE
April 2020		
	1315 SW 23rd St	04/28/2020
	1391 SW 23rd St	04/29/2020
	2378 SW Metolius Ave	04/29/2020
	2362 SW Newberry Lp	04/30/2020
	410 S 10th AVE	04/30/2020
May 2020		
	420 S 10th Street	05/08/2020
	1371 E Newport Ave	05/11/2020
	1437 E Hurlburt Ave	05/17/2020
	2334 SW Metolius Ave	05/19/2020
	1467 SW 23rd St	05/22/2020
	450 S 10th Street	05/27/2020
	2366 SW Newberry Lp	05/28/2020
June 2020		
	1335 E Newport Ave	06/01/2020
	1454 E Hurlburt Ave	06/03/2020
	1337 SW 23rd St	06/03/2020
	1460 E Hurlburt Ave	06/04/2020
	2588 SW Metolius Ave	06/05/2020
	2576 SW Metolius Ave	06/05/2020
	380 S 10th Street	06/05/2020
	1383 E Newport Ave	06/11/2020
	1327 E Newport Ave	06/17/2020
	1438 E Newport Ave	06/17/2020
	2478 SW Metolius Ave	06/19/2020
	1382 E Newport Ave	06/30/2020
July 2020		
	2458 SW Newberry Lp	07/03/2020
	1323 E Newport Ave	07/07/2020
	2477 SW Newberry Lp	07/07/2020
	2465 SW Newberry Lp	07/10/2020
	1534 E Hurlburt Ave	07/15/2020
	1347 E Newport Ave	07/20/2020
	2356 SW Metolius Ave	07/24/2020
	1436 E Hurlburt Ave	07/28/2020

2552 SW Metolius Ave	07/28/2020
430 S 10th Ave	07/30/2020
1475 E Hurlburt Ave	07/31/2020
2474 SW Newberry Lp	07/31/2020
2515 SW Newberry Loop	07/31/2020

August 2020

810 Aldrich Way	08/07/2020
2509 SW Newberry Lp	08/11/2020
470 S 10th Street	08/13/2020
2564 SW Metolius Ave	08/26/2020
2311 SW Obsidian Ave	08/28/2020

September 2020

2377 SW Obsidian Ave	09/04/2020
975 Aldrich Way	09/09/2020
2343 SW Obsidian Ave	09/10/2020
460 S 10th Street	09/10/2020
2453 SW Newberry Lp	09/11/2020
2407 SW Newberry Lp	09/15/2020
310 S 10th Street	09/15/2020
480 S 10th Street	09/15/2020
1547 E Hurlburt Ave	09/16/2020
1497 E Hurlburt Ave	09/18/2020
2398 SW Metolius Ave	09/18/2020
2454 SW Metolius Ave	09/23/2020
2498 SW Newberry Lp	09/25/2020
2420 SW Metolius Ave	09/28/2020
2365 SW Obsidian Ave	09/30/2020

October 2020

2492 SW Metolius Ave	10/06/2020
2419 SW Newberry Lp	10/08/2020
1452 E Newport Ave	10/14/2020
955 Aldrich Way	10/15/2020
445 S 10th Street	10/23/2020
1907 NW 6th St.	10/28/2020
2441 SW Newberry Lp	10/30/2020

November 2020

950 Aldrich Way	11/03/2020
1464 E Newport Ave	11/05/2020
2395 SW Newberry Lp	11/13/2020
2326 NW Teak Ave	11/16/2020

1551 E Hurlburt Ave	11/17/2020
1910 NW 6th St.	11/17/2020
2348 NW Teak Ave	11/18/2020
360 S 10th Street	11/20/2020
1588 E Newport Ave	11/25/2020
2466 SW Metolius Ave	11/30/2020

December 2020

2514 SW Metolius Ave	12/04/2020
1394 E Newport Ave	12/08/2020
2398 SW Newberry Lp	12/11/2020
1556 E Hurlburt Ave	12/14/2020
1536 E Newport Ave	12/14/2020
875 Aldrich Way	12/14/2020
2383 SW Newberry Lp	12/17/2020
2432 SW Metolius Ave	12/18/2020

January 2021

1577 E Hurlburt Ave	01/08/2021
1406 E Newport Ave	01/08/2021
2546 SW Newberry Lp	01/13/2021
850 Aldrich Way	01/13/2021
2522 SW Newberry Lp	01/15/2021
2534 SW Newberry Lp	01/20/2021
2386 SW Newberry Lp	01/22/2021
910 Aldrich Way	01/22/2021
855 Aldrich Way	01/22/2021
1936 NW 6th St.	01/22/2021
2351 SW Newberry Lp	01/26/2021
2327 NW Teak Ave	01/27/2021
1945 NW6th St.	01/27/2021
1957 NW 6th St.	01/29/2021

February 2021

2349 NW Teak Ave	02/02/2021
340 S 9th Street	02/02/2021
2371 NW Teak Ave	02/04/2021
1924 NW 6th St.	02/10/2021
1933 NW 6th St.	02/12/2021
2510 SW Newberry Lp	02/19/2021
2374 SW Newberry Lp	02/23/2021
425 S 10th Street	02/24/2021

March 2021

465 S 10th Street	03/04/2021
2340 SW Newberry LP	03/05/2021
1562 E Newport Ave	03/09/2021
455 S 10th Street	03/09/2021
1558 E Newport Ave	03/12/2021
2446 SW Newberry Lp	03/12/2021
1903 NW Archer Dr.	03/18/2021
2434 SW Newberry Lp	03/19/2021
870 Aldrich Way	03/23/2021
1535 E Hurlburt Ave	03/30/2021
835 Aldrich Way	03/30/2021
1904 NW Archer Dr.	03/30/2021
2422 SW Newberry Lp	03/31/2021

April 2021

1439 E Newport Ave	04/01/2021
2392 NW Teak Ave	04/02/2021
2370 NW Teak Ave	04/09/2021
310 S 9th Street	04/09/2021
2415 NW Teak Ave	04/12/2021
475 S 10th Street	04/13/2021
1908 NW Archer Dr.	04/13/2021
1597 E Hurlburt Ave	04/14/2021
2410 SW Newberry Lp	04/14/2021
1921 NW 6th St.	04/16/2021
2414 NW Teak Ave	04/19/2021
830 Aldrich Way	04/20/2021
1915 NW Archer Dr	04/22/2021
2393 NW Teak Ave	04/23/2021
2570 SW Newberry Lp	04/28/2021
925 Aldrich Way	04/29/2021

May 2021

1912 NW Archer Dr	05/04/2021
2437NW Teak Ave	05/07/2021
2469 NW Teak Ave	05/10/2021
1451 E Newport Ave	05/11/2021
1907 NW Archer Dr.	05/11/2021
2436 NW Teak Ave	05/12/2021
970 Aldrich Way	05/25/2021
1916 NW Archer Dr	05/25/2021
1463 E Newport Ave	05/26/2021
2468 NW Teak Ave	05/27/2021
2638 SW Metolius Ave	05/27/2021

June 2021

815 Aldrich Way	06/01/2021
1922 NW Archer Dr	06/01/2021
550 S 10th Street	06/09/2021
516 W Hope Ave	06/09/2021
2925 NW 23rd St.	06/11/2021
2913 NW 23rd St.	06/11/2021
2891 NW 23rd St.	06/11/2021
490 S 10th Street	06/11/2021
527 W Hope Ave	06/15/2021
2857 NW 23rd St.	06/18/2021
1535 E Newport Ave	06/23/2021
510 S 10th Street	06/23/2021
528 W Hope Ave	06/23/2021
549 W Hope Ave	06/29/2021
562 W Hope Ave	06/29/2021
2869 NW 23rd St.	06/30/2021

July 2021

550 W Hope Ave	07/01/2021
2835 NW 23rd St.	07/02/2021
530 S 10th Street	07/06/2021
596 W Hope Ave	07/23/2021
2813 NW 23rd St.	07/28/2021
570 S 10th Street	07/28/2021
292 NW Monte Vista Ave.	07/29/2021

August 2021

340 S 10th Street	08/03/2021
561 W Hope Ave	08/04/2021
289 NW Monte Vista Ave.	08/06/2021
580 S 10th Street	08/09/2021
1934 NW Archer Dr	08/17/2021
584 W Hope Ave	08/18/2021
970 Shelby Way	08/20/2021
955 Shelby Way	08/23/2021
950 Shelby Way	08/24/2021
318 NW Double Eagle Ave	08/24/2021
1938 NW Archer Dr	08/25/2021
1942 NW Archer Dr	08/31/2021

September 2021

328 NW Double Eagle Ave	09/03/2021
930 Shelby Way	09/08/2021

275 NW Monte Vista Ave. 09/17/2021
1948 NW Archer Dr 09/22/2021
1956 NW Archer Dr 09/24/2021
1951 NW Archer Dr 09/24/2021
274 NW Monte Vista Ave. 09/24/2021
870 Shelby Way 09/29/2021
910 Shelby Way 09/30/2021
1256 NW Golf Course Dr. 09/30/2021

October 2021

850 Shelby Way 10/04/2021
1952 NW Archer Dr 10/05/2021
354 NW Double Eagle Ave 10/07/2021
1242 NW Golf Course Dr. 10/12/2021
810 Shelby Way 10/15/2021
1967 NW Archer Dr 10/15/2021
1962 NW Archer Dr 10/18/2021
925 Shelby Way 10/21/2021
1973 NW Archer Dr 10/22/2021
269 NW Monte Vista Ave. 10/22/2021
830 Shelby Way 10/27/2021
875 Shelby Way 10/27/2021
1968 NW Archer Dr 10/28/2021
2594 NW Spruce Pl. 10/29/2021

November 2021

1974 NW Archer Dr 11/02/2021
975 Shelby Way 11/05/2021
253 NW Monte Vista Ave. 11/05/2021
855 Shelby Way 11/08/2021
1973 NW 6th St 11/08/2021
1978 NW Archer Dr 11/10/2021
1969 NW 6th St 11/12/2021
1986 NW Archer Dr 11/19/2021
2570 NW Spruce Pl. 11/29/2021
835 Shelby Way 11/30/2021
1995 NW 6th St 11/30/2021

December 2021

1985 NW Archer Dr 12/01/2021
247 NW Monte Vista Ave. 12/01/2021
1994 NW Archer Drive 12/02/2021
815 Shelby Way 12/03/2021
2481 NW Teak Ave 12/09/2021
2480 NW Teak Ave 12/13/2021

2019 NW 6th St 12/13/2021
1998 NW Archer Dr 12/13/2021
2546 NW Spruce Pl. 12/14/2021
2558 NW Spruce Pl. 12/14/2021
2801 NW 23rd St. 12/14/2021
2524 NW Spruce Pl. 12/15/2021
528 E Legacy Ave. 12/16/2021
1993 NW Archer Dr 12/17/2021
2582 NW Spruce Pl. 12/20/2021
1268 NW Golf Course Dr. 12/20/2021
250 NW Monte Vista Ave. 12/21/2021
2500 NW Spruce Pl. 12/28/2021
366 NW Double Eagle Ave 12/28/2021
242 NW Monte Vista Ave 12/29/2021

January 2022

506 NE Legacy Ave. 01/10/2022
2007 NW 6th St 01/11/2022
2512 NW Spruce Pl. 01/14/2022
2491 NE 5th St. 01/14/2022
241 NW Monte Vista Ave 01/14/2022
262 NW Monte Vista Ave. 01/14/2022
2479 NE 5th St. 01/19/2022
1058 NW Willow Parkway 01/21/2022
1064 NW Willow Parkway 01/28/2022

February 2022

1065 NW Willow Parkway 02/10/2022
2457 NE 5th St. 02/11/2022
1053 NW Willow Parkway 02/14/2022
224 NW Monte Vista Ave 02/15/2022
1076 NW Willow Parkway 02/23/2022
181 NW Monte Vista Aven 02/23/2022
2031 NW 6th St 02/24/2022

March 2022

529 E Legacy Ave 03/01/2022
541 E Legacy Ave. 03/11/2022
2411 NE 5th St. 03/11/2022
170 NW Monte Vista Ave. 03/18/2022
1084 NW Willow Parkway 03/23/2022
172 NW Monte Vista Aven 03/23/2022
587 E Legacy Ave. 03/25/2022
588 E Legacy Ave. 03/28/2022
1116 NW Willow Parkway 03/29/2022

April 2022

1121 NW Willow Parkway 04/08/2022
1255 NW Golf Course Dr. 04/13/2022
182 NW Monte Vista Ave. 04/13/2022
1997 NW Archer Dr 04/15/2022
536 E Templeton Ave. 04/22/2022
1126 NW Willow Parkway 04/22/2022
2381 NE 5th St. 04/25/2022
210 NW Doube Eagle Ave 04/25/2022
512 E Templeton Ave. 04/26/2022
1265 NW Golf Course Dr. 04/27/2022
564 E Legacy Ave. 04/28/2022
507 E Legacy Ave. 04/29/2022
2367 NE 5th St. 04/29/2022

May 2022

1276 NW Golf Course Dr. 05/03/2022
513 E Templeton Ave. 05/04/2022
571 E Templeton Ave. 05/06/2022
1147 NW Willow Parkway 05/10/2022
1177 NW Willow Parkway 05/11/2022
1239 NW Golf Course Dr. 05/12/2022
563 E Legacy Ave. 05/13/2022
559 E Templeton Ave. 05/13/2022
1165 NW Willow Parkway 05/19/2022
1142 NW Willow Parkway 05/20/2022
1133 NW Willow Parkway 05/24/2022
572 E Templeton Ave. 05/26/2022
558 E Templeton Ave. 05/27/2022
1275 NW Golf Course Dr. 05/27/2022

June 2022

2345 NE 5th St. 06/02/2022
1231 NW Golf Course Dr. 06/02/2022
2433 NE 5th St. 06/03/2022
1132 NW Golf Course Dr. 06/03/2022
594 E Templeton Ave. 06/07/2022
1122 NW Golf Course Dr. 06/08/2022
542 E Legacy Ave. 06/14/2022
537 E Templeton Ave. 06/17/2022
349 NW Monte Vista Ave. 06/21/2022
364 NW Monte Vista Ave. 06/23/2022
2321 NE 5th St. 06/24/2022
2303 NE 5th St. 06/28/2022
350 NW Monte Vista Ave. 06/30/2022

July 2022

339 NW Monte Vista Ave. 07/12/2022
369 NW Double Eagle Ave 07/15/2022
345 NW Double Eagle Ave 07/25/2022
521 E Heather Ave. 07/29/2022
329 NW Double Eagle Ave 07/29/2022

August 2022

1381 NW Willow Parkway 08/08/2022
338 NW Monte Vista Ave. 08/15/2022
522 E Heather Ave. 08/17/2022
544 E Heather Ave. 08/19/2022
3733 Rockcress Rd. 08/23/2022
353 NW Double Eagle Ave 08/25/2022

September 2022

503 E Heather Ave. 09/08/2022
568 E Heather Ave. 09/09/2022
2277 NE 5th St. 09/15/2022
592 E Heather Ave. 09/16/2022
1397 NW Willow Parkway 09/23/2022
560 W Theater Lane 09/30/2022

October 2022

3703 Rockcress Rd. 10/07/2022
548 W Theater Lane 10/14/2022
279 NW Double Eagle Ave 10/14/2022
2237 NE 5th St. 10/28/2022

November 2022

517 E Rosa Ave. 11/04/2022
2615 Cascara Dr. 11/04/2022
263 NW Double Eagle Ave 11/04/2022
2619 Cascara Dr. 11/15/2022
573 E Rosa Ave. 11/18/2022

December 2022

2297 NE 5th St. 12/08/2022
3802 Rockcress Rd. 12/08/2022
301 NW Double Eagle Ave 12/08/2022
3726 Rockcress Rd.

223 NW Double Eagle Ave
3743 Rockcress Rd.
315 NW Double Eagle Ave



PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER

Rev. 3/2022

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@rea.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 David Porter DBA PorterWorks Phone Number (206) 304-8228

Physical Address 1625 Camp Baker Rd Address Cont. _____

City Medford State OR Zip Code 97591 County Jackson

E-mail dp@porterworks.com

Mailing Address (if different) _____ Address Cont. _____

City _____ State _____ Zip Code _____ County _____

AUTHORIZED CONTACT PERSON

Prefix _____ First Name David Last Name Porter

Phone Number (206) 304-8228 E-mail dp@porterworks.com

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

David Porter

AGENCY USE ONLY

Approved by Board YES NO

Review Date _____

From: [Dave Porter](#)
To: [DARVILLE Nengah Y * REA](#)
Cc: annamarie@porterworks.com
Subject: Re: for 4/3/ meeting
Date: Tuesday, March 21, 2023 1:22:24 PM
Attachments: [image001.png](#)
[Image.png](#)

PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued

AUTHORIZATION AND ATTESTATION

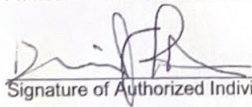
- I hereby certify that I am authorized to submit this form on behalf of the petitioner and that the information is true and accurate, to the best of my knowledge.
- I certify that petitioner, or authorized individual on petitioner's behalf, has read, understands and is ready to comply with the statutory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

I UNDERSTAND:

	Initials	Date Completed	Agency Use Only
I will complete the Continuing Education Provider Application and will pay the \$300 fee upon Board approval.		4/11	
I understand the requirements of an education provider as outlined in Oregon Administrative Rules (OAR) Chapter 863, Division 20.		4/11	
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.		4/11	
Petitioner has demonstrated their experience in providing educational courses to real estate licensees.		4/11	

DAVID S PORTER

Printed Name of Authorized Individual



Signature of Authorized Individual

Date: 01/11/2023

Reset

Print Form



Oregon

John A. Kitzhaber, MD, Governor

Real Estate Agency

1177 Center St NE

Salem, OR 97301-2505

Phone: (503) 378-4170

Regulations Fax: (503) 373-7153

Admin. Fax: (503) 378-2491

Licensing Fax: (503) 378-3256

www.rea.state.or.us

August 3, 2011

PorterWorks, Inc.
Attn: Anna Porter
19126 Soundview Drive NW
Stanwood WA 98292

Dear Petitioner,

The Oregon Real Estate Board approved your Petition to Qualify as a Continuing Education Provider at the August 1, 2011 board meeting.

You may now apply for certification as a continuing education provider.

Please submit a completed Continuing Education Provider Certification Application to the Oregon Real Estate Agency via fax or mail. The application is available on the Agency's website at www.rea.state.or.us.

Please remember that you are not certified until the application has been received and approved by the Agency. Upon certification you must comply with all of the responsibilities and requirements of a certified continuing education provider under OAR chapter 863 division 20, including record keeping, development of learning objectives, etc.

Should you have any questions please contact me directly at 503-378-4585, or via e-mail at Stacey.L.Harrison@state.or.us.

Sincerely,

Stacey Harrison
Education Division Manager

RECEIVED


**CONTINUING EDUCATION PROVIDER
CERTIFICATION APPLICATION**

Rev. 2/2011

AUG 08 2011

**REAL ESTATE AGENCY
SALEM, OREGON**

 Real Estate Agency
 1177 Center Street NE
 Salem OR 97301
 Phone: (503) 378-4170
 Fax: (503) 378-2491
 www.rea.state.or.us

THIS CERTIFICATION WILL BE EFFECTIVE FROM THE DATE APPROVED UNTIL DECEMBER 31, 2013
INSTRUCTIONS

An applicant for certification as a continuing education provider must complete all sections of this form and submit the form to the Real Estate Agency.

The applicant must submit the completed form by one of the following options:

- 1) Mailing to the Agency at 1177 Center St. NE, Salem, OR 97301; or
- 2) Faxing to the Agency at (503) 378-2491.

The Agency will mail a confirmation of certification to the applicant at the address provided in this application.

Certified Providers must notify the Agency of any changes to information on this form using the Certified Continuing Education Provider Change of Information form.

Certified Providers who want to terminate certification, or who no longer meet qualifications, must submit a Certified Continuing Education Provider Termination form to the Agency.

CONTINUING EDUCATION PROVIDER APPLICANT

IMPORTANT: Applicant name must match the EXACT name of the entity, not individual, that qualifies as a continuing education provider.

 Name of Applicant PorterWorks, Inc. Phone Number 360-631-5631

 Physical Address 19126 Soundview Dr. NW Address Cont. _____

 City Stanwood State WA Zip Code 98292 County Snohomish

 E-mail info@porterworks.com

DO NOT provide a website address if the website does not contain continuing education course information that is easily noticeable by real estate licensees.

 Website Address www.porterworks.com

 Mailing Address (if different) same Address Cont. _____

City _____ State _____ Zip Code _____ County _____

AUTHORIZED CONTACT PERSON FOR APPLICANT

 Prefix Mrs. First Name Anna Last Name Porter

 Title Vice President Phone Number 360-631-5631 E-mail annamarie@porterworks.com
Agency Use Only

 Reviewed By CLF

 Certified: YES NO

 Date Reviewed 8-9-11

 Provider No. 1258

CONTINUING EDUCATION PROVIDER CERTIFICATION APPLICATION, Continued

BASIS FOR QUALIFICATION AS A PROVIDER

Select the basis for qualification as a continuing education provider under OAR 863-020-0020:

(If the applicant does not qualify in one of the categories below, the applicant may petition the Board by submitting a Petition to Qualify as a Continuing Education Provider to the Agency. See OAR 863-020-0025.)

1. A registered business name registered with the Agency under ORS 696.026 and OAR 863-014-0095 or OAR 863-024-0095
2. A licensed title or escrow company conducting business in this state
3. A real estate trade association, as defined in OAR 863-020-0020(2)
4. A trade association in a related field, as defined in OAR 863-020-0020(3)
5. A real estate multiple listing service
6. A private career school approved by the Agency, as described in OAR 863-020-0020(4)
(A private career school licensed by the Oregon Department of Education AND approved by the Agency to provide the 150-hour real estate license applicant course of study, the 60-hour property manager license applicant course, or both.)
7. An accredited community college or an accredited state institution of higher education
8. A distance learning provider approved by the Agency, as defined in OAR 863-020-0020(5)
(A person whose course has been certified by the Association of Real Estate License Law Officials.)
9. A person whose qualifications have been approved by the Real Estate Board as provided in OAR 863-020-0025 *(Applicant must have received a letter of approval from the Agency with the Real Estate Board's approval of qualifications and must submit a copy of the approval letter with this application.)*

PRESENTATION FORMAT

Indicate the format(s) in which continuing education courses will be offered by the continuing education provider. (Mark all that are applicable. *At least one format is required.*)

- Classroom
- Online/Internet
- Other (i.e., computer based training, CD-ROM, correspondence)

Indicate if the provider will offer courses to:

- All Licensees
- Members/Employees only

CONTINUING EDUCATION PROVIDER CERTIFICATION APPLICATION, Continued

COURSES OFFERED

Check the courses that the applicant will provide upon certification:

Continuing Education courses for real estate licensees. (OAR 863-020-0035)

Law and Rule Required Course (LARRC)

DO NOT mark this box unless applicant is ready to offer this course immediately upon certification.

The Board-approved course outline with learning objectives is on the Agency website at www.rea.state.or.us.

Advanced Real Estate Practices (AP)

IMPORTANT: Prior to providing this course, a person must first become a Certified Continuing Education Provider, then apply for course approval from the Board. (OAR 863-022-0045) Upon course approval, the course provider must submit a Certified Continuing Education Provider Change of Information form to the Agency to update the courses offered.

Brokerage Administration and Sales Supervision (BASS)

IMPORTANT: Prior to providing this course, a person must first become a Certified Continuing Education Provider, then apply for course approval from the Agency. (OAR 863-022-0050) Upon course approval, the course provider must submit a Certified Continuing Education Provider Change of Information form to the Agency to update the courses offered.

PLEASE REVIEW

Applicants must allow 7 to 10 business days for the approval process.

Review this form for accuracy prior to submitting to the Agency.

Once the applicant is certified, the information on this application will immediately be posted on the Agency website.

An applicant should keep a copy of this completed form for it's own records.

AFFIRMATION

I hereby affirm that I am authorized to submit this application on behalf of the applicant, that the information is true and accurate, and that the applicant will comply with the statutory and administrative rule provisions applicable to Certified Continuing Education Providers.

I understand that the continuing education provider certification does not authorize the provider to offer Advanced Real Estate Practices unless approved as provided under OAR 863-022-0045, or the Brokerage Administration and Sales Supervision course unless approved by the Agency as provided under OAR 863-022-0050.

I understand and acknowledge that applicant, if approved to be a certified provider, will automatically be subscribed to the Educators' Informational Updates e-mail service and will receive e-mail updates as they are available.

Anna M. Porter

Printed Name of Authorized Individual

Anna M. Porter

Signature of Authorized Individual

08/07/11

Date



Oregon

John A Kitzhaber, MD, Governor

Real Estate Agency

1177 Center ST NE
Salem, OR 97301-2505
Phone: (503) 378-4170
www.rea.state.or.us

November 1, 2013

PorterWorks, Inc CEP
19126 Soundview Dr NW
Stanwood WA 98292-7867

RE: Continuing Education Provider Renewal for PorterWorks, Inc CEP

Your certification as a real estate continuing education provider in Oregon will expire December 31st, 2013. Renewals must be completed using the Agency's eLicense system.

eLicense Log In Instructions

1. Go to the Agency's website at www.rea.state.or.us.
2. Select "Enter eLicense," located under the red "eLicense" laptop.
3. Select "Login" at the top right corner.
4. Log in using the following information.

User ID: aporter

Password: 1258

5. Select "Renewal" from the menu on the left.
6. Click "Start" and follow the instructions to complete the renewal.

Failure to Renew

If the continuing education provider's certification is not renewed by December 31, the provider will be removed from the Agency's certified provider list. To offer continuing education to real estate licensees again, the provider would be required to reapply to the Agency for certification.

What Does CEP Mean?

"CEP" is the Agency used certification acronym for "continuing education provider." Certified CEPs have a unique user profile in the online licensing system, eLicense. Providers **are not** required to use the term "CEP" in advertising or on certificates of attendance.

Changes in Provider Information

If you need to change the continuing education provider's information, please use the form available on the Agency's website through the "Forms for Educators" link.

Questions?

If you have any questions regarding the online renewal process, please contact the Agency at (503) 378-4170 or e-mail orea.info@state.or.us.

Sincerely,

Oregon Real Estate Agency

done!

→ as of 4/23/14 changed to Skipper.1



PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER

Rev. 3/2022

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@rea.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 Perfection Inspection Inc Phone Number (503) 508-4321

Physical Address 1160 31st Ct NW Address Cont. _____

City Salem State OR Zip Code 97304 County _____

E-mail jallhiser@perfectioninspectioninc.com

Mailing Address (if different) _____ Address Cont. _____

City _____ State _____ Zip Code _____ County _____

AUTHORIZED CONTACT PERSON

Prefix _____ First Name Jim Last Name Allhiser

Phone Number (503) 508-4321 E-mail jallhiser@PerfectionInspectionInc.com

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

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 have been a certified home inspector (OCHI-916) in Salem since 2004 and I have performed over eight thousand home and building inspections. I have taught classes to real estate agents, clients, and investors. I view each inspection as a class for agents and clients to help them learn about the property of which they are buying/selling. I have taught in classrooms and in houses. I am a certified master inspector (CMI) through the Master Inspectors Board. I would be able to teach classes on inspection issue which relate directly and indirectly to: 863-020-0035(4) (f) property management, (i) real estate consumer protection, (n) real estate property evaluation, appraisal, or valuation, (r) risk management, (z) unit owner or home owner associations, (cc) environmental protection issues in real estate, and (gg) negotiation.

At the end of my classes those in attendance will be able to describe and identify provisions in laws, statutes or administrative rules relevant to the course topic; the licensee's responsibilities under laws; statutes or administrative rules relevant to the course topic; consumer protections relevant to the course topic; Governmental agencies with primary responsibility for regulating the course topic and the agencies' role in relation to consumers and licensees; or the principles, practices, or procedures relevant to the course topic and their impact on at least one of the following: Licensees; Consumers; Parties to the real estate transaction or property management agreement; The real estate marketplace; Real estate brokerage or property management practices; The licensees' real estate business; or A licensee's professional competence.

PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued

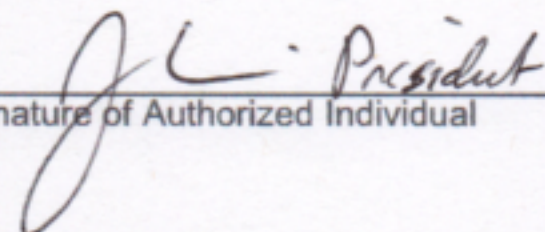
AUTHORIZATION AND ATTESTATION	
<ul style="list-style-type: none"> • I hereby certify that I am authorized to submit this form on behalf of the petitioner and that the information is true and accurate, to the best of my knowledge. • I certify that petitioner, or authorized individual on petitioner's behalf, 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.	JA	01/19/2023	
I understand the requirements of an education provider as outlined in Oregon Administrative Rules (OAR) Chapter 863, Division 20.	JA	01/19/2023	
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.	JA	01/19/2023	
Petitioner has demonstrated their experience in providing educational courses to real estate licensees.	JA	01/19/2023	

Jim Allhiser CCB#179533 OCHI#916

Date: **01/19/2023**

Printed Name of Authorized Individual


 Signature of Authorized Individual

Reset

Print Form

IMPORTANT - PLEASE READ

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

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

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

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

ADMINISTRATIVE ACTIONS

Reported

1/14/23 through 3/8/23

REVOCATIONS

Mitchell, Tina J (Albany), Property Manager 201236906, Final Order by Default dated February 3, 2023, issuing a revocation.

SUSPENSIONS

Barstad, Ryan (Joseph), Broker 200911123, Stipulated Final Order dated February 15, 2023, issuing a suspension.

REPRIMANDS

Durham, Ruth F. (Grants Pass), Property Manager 891000210, Stipulated Final Order dated March 2, 2023, issuing a reprimand.

Ekwall, Amber L. (Ashland), Property Manager 201207610, Stipulated Final Order dated February 7, 2023, issuing a reprimand and \$5,100.00 civil penalty.

CIVIL PENALTIES

Expired - Late Renewal civil penalties are computed using each 30-day period as a single offense. M Martorano, Deborah (Bend), Broker 930500306, Stipulated Final Order dated February 17, 2023, issuing a \$500 civil penalty.

Unlicensed Activity

Bushman, Barbara (Baker City), Unlicensed, Default Final Order dated January 25, 2023, issuing a \$100.00 civil penalty.

Escrow

None

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of
RYAN DANIEL BARSTAD) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Ryan Daniel Barstad (Barstad) do hereby agree and stipulate to the following:

FINDINGS OF FACT, STATEMENTS OF LAW
AND
CONCLUSIONS OF LAW

1.

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

First Findings of Fact:

1.1 Barstad was licensed as a real estate broker with Wallowa Mountain Properties, Inc. from April 29, 2016, until June 1, 2020, at which time his license expired, Barstad reinstated his license on June 3, 2020, and was licensed as a real estate broker with Wallowa Mountain Properties, Inc. until November 27, 2020, at which time his license became inactive. Barstad’s license has remained inactive to date.

1.2 On May 14, 2022, Barstad submitted a renewal application to the Agency. According to Agency records, Barstad answered yes to questions 6 and 7 on the renewal application. Question 6 asks “At any time during the past 24 months or since your last renewal, have you been convicted of any felony or misdemeanor criminal offense? "Convicted" includes a guilty or "no contest" plea, verdict of guilty by a judge or jury, or a forfeiture of bail. All convictions must be disclosed, even if they were later dismissed or a diversion program completed. Include major traffic violations, such as DUII, reckless driving, or driving while

1 suspended or uninsured.” Question 7 asks “At any time during the past 24 months, have you
2 been on parole or probation?”

3 1.3 On June 17, 2022, an investigation was opened as a result of Barstad answering
4 yes to the above renewal questions.

5 1.4 On April 4, 2021, Barstad was convicted of four counts of Assault in the Fourth
6 Degree - Constituting Domestic Violence, one count of Menacing - Constituting Domestic
7 Violence, one count of Criminal Mischief in the Second Degree, and four counts of Harassment
8 - Constituting Domestic Violence, committed on or about May 20, 2020.

9 1.5 On July 7, 2021, Barstad was convicted of one count of Fleeing or Attempting to
10 Elude a police officer, committed on or about April 1, 2021, a class C felony.

11 **First Statement of Law:** ORS 696.301(3) authorizes the Commissioner to suspend a
12 licensee’s real estate license who has disregarded or violated any provision of ORS 659A.421,
13 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the
14 Real Estate Agency. Implementation of ORS 696.301(3) is made through ORS 696.301(11)
15 (2021 Edition)

16 **First Conclusion of Law:** By being convicted of a felony substantially related to
17 Barstad’s trustworthiness or competence to engage in professional real estate activity, Barstad
18 violated ORS 696.301(3) and its implementing statute ORS 696.301(11) (2021 Edition)

19 **Second Findings of Fact:**

20 1.6 Barstad failed to report the convictions identified above to the Agency.

21 **Second Statement of Law:** ORS 696.301(3) authorizes the Commissioner to suspend
22 a licensee’s real estate license who has disregarded or violated any provision of ORS
23 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any
24 rule of the Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-
25 015-0175(1)(c)(4) (1/1/2020 and 1/1/2021 Editions):

26 **Second Conclusion of Law:** By failing to notify the Commissioner of his convictions
27 within 20 calendar days after receiving written notification of the adverse decision, Barstad
28 violated ORS 696.301(3) and its implementing rule OAR 863-015-0175(1)(c)(4) (1/1/2020 and
29 1/1/2021 Editions).

30 **Conclusion of Law:** The forgoing violations are grounds for discipline pursuant to ORS
696.301. Based on these violations a suspension is appropriate for violations of ORS

1 696.301(3). Based upon the above violations a suspension of Barstad’s license is appropriate
2 under ORS 696.396(2)(c)(A). According to ORS 696.396(2)(c)(A), the Agency may suspend a
3 real estate license if the material facts establish a violation of a ground for discipline under
4 ORS 696.301 that: (A) results in significant damage or injury. As previously noted, the Agency
5 has set forth the grounds of discipline as ORS 696.301(3) and (11).

6 2.

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

15 3.

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

18 4.

19 STIPULATION AND WAIVER

20 I, Ryan Daniel Barstad, have read and reviewed this Stipulated Final Order and its
21 Findings of Fact, Statements of Law and Conclusions of Law. I understand that the Findings
22 of Fact, Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full
23 and complete agreement and stipulation between the Agency and me. I further understand
24 that if I do not agree with this stipulation, I have the right to request a Hearing on this matter
25 and to be represented by legal counsel at such a Hearing. I also understand that any Hearing
26 would be conducted in accordance with the procedures set forth in ORS Chapter 183 and in
27 accordance with the Rules of Practice and Procedure adopted by the Attorney General of the
28 State of Oregon. By signing this Stipulated Final Order I freely and voluntarily waive my rights
29 to a Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this
30 matter.

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

7 In addition to all of the above, I agree that once the Commissioner executes this
8 Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby
9 waive the right to challenge the validity of service.

10 ORDER

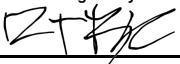
11 IT IS HEREBY ORDERED that Ryan Barstad’s license is hereby suspended until he
12 has successfully completed all terms of his Supervised Probation, scheduled to end April 7,
13 2024. Should Barstad complete his Supervised Probation prior to April 7, 2024, Barstad may
14 write the Agency requesting the suspension be lifted. Should the term of Barstad’s Supervised
15 Probation extend past April 7, 2024, the suspension will remain in place until Barstad is off
16 probation.

17 IT IS FURTHER ORDERED that, this Order is conditioned by the following restrictions:
18 (a) Barstad must meet renewal requirements and is subject to applicable renewal rules; (b)
19 Barstad shall not be convicted of any felony or misdemeanor during the suspension term; (c)
20 Barstad shall immediately notify the Real Estate Agency of any criminal convictions or license
21 law violations during the suspension term; (d) Barstad shall notify the Agency at the time his
22 probation period ends. OREA will conduct an inquiry on Barstad including but not limited to a
23 check through the Law Enforcement Data System. If OREA finds that there is no reason to
24 continue suspension, Barstad may reactivate his license, and

25 IT IS FURTHER ORDERED that, should Barstad violate any term or condition of this
26 Agreement, or conditions of his Supervised Probation, it may be a basis on which to revoke
27 Barstad’s license in accordance with ORS 696.301(13).

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IT IS SO STIPULATED:

DocuSigned by:

8D7F31F4F34245A...
Ryan D. Barstad

Date 2/14/2023 | 2:28 PM PST

IT IS SO ORDERED:



DocuSigned by:

E2C2D0097AD8471...
STEVEN STRODE

Real Estate Commissioner

Date 2/15/2023 | 7:50 AM PST

Date of Service: 02/15/2023

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional
Real Estate Activity of
BARBARA BUSHMAN

FINAL ORDER BY DEFAULT AND ORDER
TO CEASE AND DESIST

PROCEDURAL HISTORY AND PROCEDURAL LAW

1.

1.1 On May 3, 2022, 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 Barbara Bushman’s (Bushman) last known address of record with the Agency (PO Box 534, Baker City, OR 97814) and (1917 Clark St, Baker City, OR 97814). The *Notice of Intent* was also mailed to Bushman by regular first-class mail to the above addresses. And the Notice of Intent was also emailed to Bushman at her email address of record.

1.2 The email was not returned as undeliverable.

1.3 On May 20, 2022, the Agency received a hearing request from Bushman.

1.4 On June 3, 2022, the DocuSign envelope of NOI that was sent to Bushman as needs to view was voided for expiration.

1.5 On June 15, 2022, the certified mailing sent to 1917 Clark St, Baker City, OR 97814 was returned to the Agency as unclaimed and unable to forward.

1.6 On July 21, 2022, the Agency issued an Amended Notice of Intent to Assess a Civil Penalty and Order to Cease and Desist. The Amended Notice of Intent was mailed certified to Bushman’s two addresses of record, and also mailed regular first-class mail in handwritten envelopes. It was also emailed to Bushman’s address of record.

1.7 On July 22, 2022, a Notice of In-Person Hearing in OAH Case No. 2022-ABC-05398 was sent to Bushman's PO Box 534 notifying her that the hearing was scheduled for September 29, 2022, at 9:00 AM

1.8 On August 9, 2022, the first class mailing to the 1917 Clark St, Baker City, OR 97814 address was returned to the Agency. Handwritten on the envelope was "Return to Sender not at this address" and stamped was "return to sender unclaimed unable to forward".

1.9 On August 22, 2022, the Amended Notice of Intent DocuSign email was voided for expiration.

1.10 On August 22, 2022, the certified mail domestic return receipt was received by the Agency. The first name is illegible, but the last name is Bushman.

1.11 On August 23, 2022, Assistant Attorney General Lauren E. Rauch (Rauch) requested a hearing postponement due to a scheduling conflict. On August 31, 2022, a ruling was issued granting the request for postponement. The hearing was scheduled for December 7, 2022.

1.12 On December 7, 2022, Bushman did not appear at the scheduled hearing.

2.

Based upon the foregoing, and upon the Agency's investigation reports, documents and files that, pursuant to Section 7 of the Amended *Notice of Intent*, automatically become part of the evidentiary record of this disciplinary action upon default (for the purpose of proving a prima facie case (ORS 183.417(4)), the Real Estate Commissioner finds:

2.1 A notice of intent is properly served when deposited in the United States mail, registered or certified mail, and 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. (ORS 183.415(2); OAR 137-003-0505; OAR 863-001-0006. If correctly addressed, such a notice is effective even though it is not received by the person to be notified. *Stroh v. SAIF*, 261 OR 117, 492 P2d 472 (1972) (footnote 3 in this case misquotes the cited treatise and contradicts the text of the opinion; treatise and cited case law support the proposition stated in the text.) Also, notice is effective even though the addressee fails or refuses to respond to a postal service "mail arrival notice" that indicates that certified or registered mail is being held at the post office. See *State v. DeMello*, 300 Or App

590, 716 P2d 732 (1986) (discussing use of certified mail to effectuate notice of driver's license suspension under ORS 482.570). *See also El Rio Nilo, LLC v. OLCC*, 240 Or App 362, 246 P3d 508 (2011) (Notice by certified mail effective even though addressee did not pick up in time to file request for hearing timely).(Oregon Attorney General's Administrative Law Manual and Uniform Model Rules Of Procedure Under the Administrative Procedures 2019 Edition at pages 97-98.

2.2 Bushman's last known address of record with the Agency was PO Box 534, Baker City, OR 97814.

2.3 A certified mailing of the amended notice of intent was mailed to Bushman at Bushman's last known address of record on July 21, 2022. The certified mailing of the amended notice has not been returned to the Agency.

2.4 The notice was also mailed to another possible address for Bushman at 1917 Clark St, Baker City, OR 97814. This certified mailing has not been returned to the Agency.

2.5 The notice was also mailed regular first-class mail to both of the above possible addresses for Bushman. The first class mailing to the PO Box has not been returned to the Agency. The first class mailing to 1917 Clark St, Baker City, OR 97814 was returned. Handwritten on envelope is "Return to Sender Not at this address." stamped is "return to sender unclaimed unable to forward". The OAH Rules contain a rebuttable presumption that documents sent by regular mail are received by the addressee. ORS 137-003-0520(10). If the regularly mailed notice is actually received, it is effective on the date received, rather than the date of mailing.

2.6 As noted in section 7 of the Amended Notice of Intent to Cease and Desist, and section 2 above, the Agency's entire investigation file was designated as the record of purposes of presenting a prima facie case upon default, including submissions from Bushman 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, Bushman was not licensed to conduct professional real estate activity in Oregon.

3.2 Bushman, formerly known as Barbara Miller, was first licensed as a real estate broker on December 29, 2000. On October 1, 2010, Bushman's license expired, and a year later, on October 1, 2011, the license lapsed. After her license lapsed Bushman has not had an active Oregon real estate license.

3.3 On September 28, 2021, the Agency received a complaint from Allen Hamilton (Hamilton) against Bushman.

3.4 Hamilton owned property located at 2520 Myrtle Street, Baker City, Oregon (subject property). Donna Ward rented the subject property from Hamilton and moved in late August 2019.

3.5 When Hamilton later decided to sell the subject property, Ward told Hamilton her mother, Bushman, was a realtor and could sell the property for him. Hamilton agreed and hired Bushman.

3.6 Hamilton stated he and Bushman made a verbal agreement he would pay her a \$3,000 cash commission after she sold the subject property. According to Hamilton, Bushman told him she had been a realtor up in Sumpter working for a woman up there.

3.7 Hamilton stated they set an asking price of \$189,000 for the subject property and Bushman advertised it.

3.8 An offer of \$167,000.00 was received for the subject property. The buyer's agent, Mary Sjogren (Sjogren), was representing her father who had a VA loan. Sjogren had seen the subject property listed on Zillow.com as "For Sale by Owner."

3.9 According to Sjogren, Bushman acted as a go-between Sjogren and Hamilton with the initial offer because only Bushman had Hamilton's information.

3.10 When Sjogren came to the subject property for the home inspection she told Hamilton's cousin that Bushman claimed to be Hamilton's sister who was just helping out a family member. Hamilton's cousin informed Sjogren that it was not true.

3.11 Hamilton's daughter discovered Bushman was not licensed.

3.12 Hamilton contacted Sjogren who agreed to deal directly with him and leave Bushman out of the transaction.

3.13 Sjogren said Bushman terminated the transaction the day after the appraisal because Sjogren requested an extension and Bushman wouldn't allow it. Sjogren stated Bushman never represented herself as an agent or said she was getting a commission until after they terminated. After they terminated, Bushman messaged Sjogren asking how she could get her commission. Sjogren said Bushman claimed she was getting a \$5,000 commission.

3.14 Hamilton stated he and Bushman had agreed to a \$3,000.00 commission, then after he discovered she wasn't licensed and terminated their agreement, Bushman demanded \$5,000.00.

3.15 Text messages from Bushman to Hamilton stated in part, the following:

"Allen it has come to my attention that you do not wish to sell your home. I would like to remind you that you are in a contract with a buyer. I have worked for and completed our agreement for my commission. Someone claiming to speak for you has said that you will not be paying me."

3.16 Another text message from Bushman stated in part, the following:

"I was told you're bad mouthing me as well as my daughter you can be upset with Donna all you want but I'm the one who sold your house I'm the one that's been trying to get everything lined out for you I'm the one who made sure that Donna left her water and electricity on for your inspection we had a verbal agreement that you were going to pay me \$5000 for me selling your house and I came through and I did it."

3.17 Agency staff located a for sale by owner listing on www.zillow.com for the subject property and the contact phone number was the same phone number that Hamilton had used to communicate with Bushman. Another advertisement/listing was located on a www.losetheagent.com with a different phone number. When Agency staff contacted that number and asked to speak with Bushman, a male answered and stated that it was no longer Bushman's phone number.

STATEMENT OF LAW APPLICABLE TO FINDINGS OF FACT

4.

4.1 ORS 696.020(2) (2021 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) (2021 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) (2021 Edition) defines “compensation” as: valuable consideration for services rendered or to be rendered, whether contingent or otherwise.

4.4 ORS 696.010(17)(b)(h)(i)(j) (2021 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; (h) engages in management of rental real estate; (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) (2021 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 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.

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

ULTIMATE FINDINGS OF FACT

5.

5.1 Bushman engaged in unlicensed professional real estate activity.

5.2 Bushman engaged in professional real estate activity with the intention or expectation or promise of being compensated.

5.3 Bushman'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 Bushman is in default.

6.2 The material facts establish grounds to impose a civil penalty, by preponderance of the evidence, under 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, as set forth in the Notice of Intent to Assess a Civil Penalty and Order to Cease and Desist: Notice of Opportunity for Hearing.

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

6.6 The specific violation is repeated here below:

(1) **Violation:** By entering into an agreement to sell the subject property, advertising the subject property, and facilitating communication about an offer between the seller and buyer's agent, with the expectation of compensation, Bushman engaged in unlicensed professional real estate activity as described in ORS 696.010(17)(b), (c), (d), (i), and (k). Engaging in unlicensed professional real estate activity is a violation of ORS 696.020(2) (2021 Editions). 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. Bushman is subject to a civil penalty under ORS 696.990(4)(a)(b) (2021 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.

ORDER

IT IS HEREBY ORDERED that pursuant to ORS 696.397, Bushman immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(17)(a)-(n) (2021 Edition) unless Bushman 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, Bushman 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.

Dated this 25th day of January, 2023.

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.

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of
RUTH F DURHAM)
STIPULATED FINAL ORDER

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

FINDINGS OF FACT, STATEMENTS OF LAW
AND
CONCLUSIONS OF LAW

1.

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

First Findings of Fact:

1.1 At all times mentioned herein, Durham was licensed as a property manager doing business under the registered business name of RFD Property Management Services (RFD).

1.2 On May 20, 2022, Durham was notified that her clients' trust account ending in #1749 (CTA #1749), which held owner funds, had been selected for a reconciliation review. Durham provided documents for March 2022 in a timely manner. An investigation was opened due to the outstanding issues found in the review.

1.3 On October 5, 2022, Agency Compliance Coordinator Hani Ghamrawi requested Durham provide a delegation of authority for Edward Durham (E. Durham), her most recent reconciliation records for CTA #1749 and an explanation why CTA #1749 was out of balance by \$20,118.01 on the March 2022 reconciliation.

1 1.4 On October 11, 2022, Durham provided the delegation of authority, August 2022
2 reconciliation records and an explanation for the account being out-of-balance.

3 1.5 The delegation of authority did not have the signatures of the person authorizing
4 (Durham) and receiving (E. Durham) a delegation of authority.

5 1.5.a Ultimately, after an additional request, E. Durham provided a signed delegation
6 of authority.

7 **First Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand a
8 licensee’s real estate license who has disregarded or violated any provision of ORS 659A.421,
9 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the
10 Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-025-
11 0015(5)(b) (1/1/2021 Edition) which states: (5) The following delegations of the property
12 manager's authority must be in writing, dated and signed by the property manager and signed
13 by the individual who is receiving the authority, and kept with written policies. (b) Review and
14 approve reconciliations and receive and disburse funds under OAR 863-025-0025(23).

15 **First Conclusion of Law:** By failing to have the required signatures on the delegation
16 of authority, Durham violated ORS 696.301 and its implementing rule OAR 863-025-0015(5)(b)
17 (1/1/2021 Edition).

18 **Second Findings of Fact:**

19 1.6 The March 2022 reconciliation review documents for CTA #1749 showed the
20 reconciliation was out-of-balance by \$20,118.01, and the adjustment was not clearly identified
21 and explained.

22 1.7 The August 2022 reconciliation review documents for CTA #1749 showed the
23 reconciliation was out of balance by \$26,631.86.

24 **Second Statement of Law:** ORS 696.301(3) authorizes the Commissioner to
25 reprimand a licensee’s real estate license who has disregarded or violated any provision of
26 ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or
27 any rule of the Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR
28 863-025-0028(2)(b) (1/1/2021 Edition) which states: (2) A property manager must reconcile
29 each clients' trust account within 30 calendar days of the date of the bank statement pursuant
30 to the requirements contained in this section. (b) The balances of each component in section

1 (2)(a) of this rule must be equal to and reconciled with each other. If any adjustment is needed,
2 the adjustment must be clearly identified and explained on the reconciliation document.

3 **Second Conclusion of Law:** Durham's March 2022 and August 2022 reconciliations
4 for CTA #1749 were out-of-balance, and Durham failed to clearly identify and explain the
5 needed adjustments on the reconciliations, in violation of ORS 696.301 and its implementing
6 rule OAR 863-025-0028(2)(b) (1/1/2021 Edition).

7 **Third Findings of Fact:**

8 1.8 During the investigation Durham explained to Ghamrawi that the \$20,118.01
9 discrepancy noted in the March 2022 reconciliation is the result of not disbursing funds
10 belonging to her from CTA #1749 (accumulated fines and fees, and management fees).

11 **Third Statement of Law:** The Real Estate Commissioner may reprimand the real
12 estate license of any real estate licensee if the licensee has disregarded or violated any
13 provision of ORS 659A.421, ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to
14 696.870 and 696.890 or any rule of the Agency. Implementation of ORS 696.301(3) is made
15 through OAR 863-025-0027(6) (1/1/2021 Edition) which states: (6) A property manager must
16 disburse earned management fees from the clients' trust account at least once each month
17 unless a different schedule of disbursement is specified in the property management
18 agreement and may only disburse such fees if sufficient funds are available.

19 **Third Conclusion of Law:** By failing to disburse accumulated fines and management
20 fees owed to Durham from CTA #1749 at least once each month, Durham violated ORS
21 696.301 and its implementing rule OAR 863-025-0027(6) (1/1/2021 Edition).

22 **Fourth Findings of Fact:**

23 1.9 In response to Ghamrawi's request for new reconciliation documents, the
24 reconciliation form provided was not complete, specifically Part III the sum of all owner ledgers
25 was blank, and the reconciliation was not signed.

26 **Fourth Statement of Law:** The Real Estate Commissioner may reprimand the real
27 estate license of any real estate licensee if the licensee has disregarded or violated any
28 provision of ORS 659A.421, ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to
29 696.870 and 696.890 or any rule of the Agency. Implementation of ORS 696.301(3) is made
30 through OAR 863-025-0028(2)(a)(C)(b)(d)(A)(B) (1/1/2021 Edition) which states: (2) A property

1 manager must reconcile each clients' trust account within 30 calendar days of the date of the
2 bank statement pursuant to the requirements contained in this section. (a) The reconciliation
3 must have three components that are contained in a single reconciliation document. (C) The
4 sum of all positive owners' ledgers as of the date of the bank statement. (b) The balances of
5 each component in section (2)(a) of this rule must be equal to and reconciled with each other.
6 If any adjustment is needed, the adjustment must be clearly identified and explained on the
7 reconciliation document. (d) Within 30 calendar days from the date of the bank statement, the
8 property manager must: (A) Complete the reconciliation document; and (B) Sign and date the
9 reconciliation document, attesting to the accuracy and completeness of the reconciliation.

10 **Fourth Conclusion of Law:** Durham failed to complete a reconciliation with three
11 components, specifically it did not contain the sum of all positive owners' ledgers and Durham
12 failed to sign the reconciliation document attesting to the accuracy and completeness of the
13 reconciliation, in violation of ORS 696.301 and its implementing rule OAR 863-025-
14 0028(2)(a)(C)(b)(d)(A)(B) (1/1/2021 Edition).

15 **Fifth Findings of Fact:**

16 1.10 The August 2022 check register and bank statement show Durham disbursed
17 approximately \$7,583.80 of funds from an owner ledger that did not have sufficient funds for
18 the disbursements.

19 **Fifth Statement of Law:** The Real Estate Commissioner may reprimand the real estate
20 license of any real estate licensee if the licensee has disregarded or violated any provision of
21 ORS 659A.421, ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and
22 696.890 or any rule of the Agency. Implementation of ORS 696.301(3) is made through OAR
23 863-025-0027(3) (1/1/2021 Edition) which states: (3) A property manager must not disburse
24 funds from a clients' trust account or security deposits account unless there are sufficient
25 funds, as defined in OAR 863-025-0010, in the ledger account against which the disbursement
26 is made.

27 **Fifth Conclusion of Law:** By disbursing funds from an owner ledger that did not have
28 sufficient funds for the disbursement, Durham violated ORS 696.301 and its implementing rule
29 OAR 863-025-0027(3) (1/1/2021 Edition).

30 **Sixth Findings of Fact:**

1 1.11 The August 2022 owner ledgers did not identify all disbursement for the month.

2 **Sixth Statement of Law:** The Real Estate Commissioner may reprimand the real
3 estate license of any real estate licensee if the licensee has disregarded or violated any
4 provision of ORS 659A.421, ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to
5 696.870 and 696.890 or any rule of the Agency. Implementation of ORS 696.301(3) is made
6 through OAR 863-025-0055(4) (1/1/2021 Edition) and ORS 696.890(4)(c)(e)(f) (2021 Edition).
7 OAR 863-025-0055(4) (1/1/2021 Edition) states: (4) A property manager must report in writing
8 to each owner any change in the owner's ledger. A monthly report, showing all receipts and
9 disbursements for the account of the owner during the prior monthly period, is sufficient under
10 this section. A copy of each such report must be preserved and filed in the property manager's
11 records. If an annual report contains information not required to be provided by the property
12 manager under these rules, the property manager must set forth such information separately.
13 ORS 696.890(4)(c)(e)(f) (2021 Edition) states: (4) A real estate property manager owes the
14 property owner the following affirmative duties: (c) To exercise reasonable care and diligence;
15 (e) To act in a fiduciary manner in all matters relating to trust funds; and (f) To be loyal to the
16 owner by not taking action that is adverse or detrimental to the owner's interest.

17 **Sixth Conclusion of Law:** By failing to identify, on owner ledgers, all disbursements
18 made during the month Durham violated of ORS 696.301 and its implementing rule OAR 863-
19 025-0055(4) (1/1/2021 Edition) and ORS 696.890(4)(c)(e)(f) (2021 Edition).

20 **Seventh Findings of Fact:**

21 1.12 The owner ledgers did not contain all required information, specifically the
22 ledgers did not contain the check number or cash receipt to each deposit, the date funds were
23 deposited and disbursed, the purpose of disbursements and the balance after each recorded
24 entry.

25 **Seventh Statement of Law:** The Real Estate Commissioner may reprimand the real
26 estate license of any real estate licensee if the licensee has disregarded or violated any
27 provision of ORS 659A.421, ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to
28 696.870 and 696.890 or any rule of the Agency. Implementation of ORS 696.301(3) is made
29 through OAR 863-025-0055(3)(b)(C)(D)(c)(A)(C)(E)(d) (1/1/2021 Edition) and ORS
30 696.890(4)(c)(d)(e) (2021 Edition). OAR 863-025-0055(3)(b)(C)(D)(c)(A)(C)(E)(d) (1/1/2021

1 Edition) states: (3) All owner ledgers must contain at least the following information: (b) For
2 each deposit of funds: (C) The check number, cash receipt number or a unique series of letters
3 and/or numbers that established an audit trail to the receipt of funds; and (D) The date the
4 funds were deposited. (c) For each disbursement of funds: (A) The date the funds were
5 disbursed, (C) The check number or bank-generated electronic tracking number: (E) The
6 purpose of the disbursement; and (d) The balance after each recorded entry. ORS
7 696.890(4)(c)(d)(e) (2021 Edition) states: (4) A real estate property manager owes the property
8 owner the following affirmative duties: (c) To exercise reasonable care and diligence; (d) To
9 account in a timely manner for all funds received from or on behalf of the owner; and (e) To act
10 in a fiduciary manner in all matters relating to trust funds.

11 **Seventh Conclusion of Law:** By failing to include all required information on owner
12 ledgers Durham violated ORS 696.301 and its implementing rule OAR 863-025-
13 0055(3)(b)(C)(D)(c)(A)(C)(E)(d) (1/1/2021 Edition) and ORS 696.890(4)(c)(d)(e) (2021 Edition).

14 **Eighth Findings of Fact:**

15 1.13 Tenant ledgers did not contain all required information, specifically the ledgers
16 did not contain for each deposit of funds, the check number or series of letter/numbers to
17 establish an audit trail, the date the funds were deposited, and for each disbursement of funds,
18 the date the funds were disbursed, the check number or bank generated tracking number and
19 the balance after each recorded entry.

20 **Eighth Statement of Law:** The Real Estate Commissioner may reprimand the real
21 estate license of any real estate licensee if the licensee has disregarded or violated any
22 provision of ORS 659A.421, ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to
23 696.870 and 696.890 or any rule of the Agency. Implementation of ORS 696.301(3) is made
24 through OAR 863-025-0050(4)(d)(C)(e)(A)(C)(E)(f) (1/1/2021 Edition) which states: (4) A
25 tenant's ledger must contain at least the following information: (d) For each deposit of funds:
26 (C) The check number, cash receipt number or a unique series of letters and/or numbers that
27 established an audit trail to the receipt of funds. (e) For each disbursement of funds: (A) The
28 date the funds were disbursed; (C) The check number or bank-generated electronic tracking
29 number; (E) The purpose of the disbursement; and (f) The balance after each recorded entry.

30

1 **Eighth Conclusion of Law:** By failing to include all required information on tenant
2 ledgers Durham violated ORS 696.301 and its implementing rule OAR 863-025-
3 0050(4)(d)(C)(e)(A)(C)(E)(f) (1/1/2021 Edition).

4 **Ninth Findings of Fact:**

5 1.14 RFD uses the vendor NW HouseWrights and Restorations LLC to perform work
6 on properties they manage. Durham’s son, E. Durham, is the owner of NW HouseWrights and
7 Restorations LLC. The property management agreements do not disclose the use of this
8 business in which Durham has a pecuniary interest.

9 **Ninth Statement of Law:** The Real Estate Commissioner may reprimand the real
10 estate license of any real estate licensee if the licensee has disregarded or violated any
11 provision of ORS 659A.421, ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to
12 696.870 and 696.890 or any rule of the Agency. Implementation of ORS 696.301(3) is made
13 through 863-025-0020(2)(i)(j) (1/1/20201 Edition) which states: (2) A property management
14 agreement must include, but is not limited to: (i) Disclosure of the use of employees or a
15 business in which the property manager has a pecuniary interest at the time of the execution of
16 the property management agreement, that will provide services for the owner’s property; and
17 (j) A statement that the property manager will disclose to the owner, in writing, the property
18 manager’s planned use of any employees or a business in which the property manager has a
19 pecuniary interest to provide services for the owner’s property, if such employees or business
20 were not disclosed in the property management agreement pursuant to section (2)(i) of this
21 rule.

22 **Ninth Conclusion of Law:** By failing to disclose in the property management
23 agreements that Durham has a pecuniary interest in NW HouseWrights and Restorations LLC
24 Durham violated ORS 696.301 and its implementing rule OAR 863-025-0020(2)(i)(j)
25 (1/1/20201 Edition).

26 **Tenth Findings of Fact:**

27 1.15 Durham collected and maintained pre-paid rents, used to secure the
28 performance of a rental or lease agreement therefore constituting a security deposit, in CTA
29 #1749. Durham did not transfer the portion of the funds constituting security deposits into the
30 security deposit CTA within three banking days.

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

3 3.

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

6 4.

7 **STIPULATION AND WAIVER**

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

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

25 In addition to all of the above, I agree that once the Commissioner executes this
26 Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby
27 waive the right to challenge the validity of service.

28 **ORDER**

29 **IT IS HEREBY ORDERED** that Ruth Durham's license be, and hereby is reprimanded.
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IT IS SO STIPULATED:

DocuSigned by:
Ruth Durham
0CE72B1C80094B3...
RUTH DURHAM

Date 3/2/2023 | 9:32 AM PST

IT IS SO ORDERED:



DocuSigned by:
Steven Strode
E2C2D0097AD8471...
STEVEN STRODE

Real Estate Commissioner

Date 3/2/2023 | 11:54 AM PST

Date of Service: 03/02/2023

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

AMBER LEE EKWALL

STIPULATED FINAL ORDER

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

FINDINGS OF FACT, STATEMENTS OF LAW

AND

CONCLUSIONS OF LAW

1.

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

First Findings of Fact:

1.1 Ekwall was licensed as property manager with Lithia Property Management.

1.2 On February 4, 2022, Ekwall was notified that her clients' trust account ending in ending in #0069 (CTA-SD #0069), which held security deposits, had been selected for a reconciliation review. The reconciliation documents requested were due within 10 business days. Ekwall failed to respond to the February 4, 2022, email request.

1.3 On February 25, 2022, Agency Compliance Specialist Jenifer Wetherbee (Wetherbee) sent a second email to Ekwall.

1.4 On March 4, 2022, Ekwall emailed Wetherbee that the Oregon Department of Revenue (ODOR) had garnished \$3,363.17 from CTA-SD #0069 in January 2020. Wetherbee responded to Ekwall's email and asked that she proceed with providing the requested documents that were requested by the Agency on February 4, 2022, and February 25, 2022.

1.5 On March 15, 2022, Ekwall uploaded reconciliation documents to the Agency eLicense system.

1 1.6 On March 28, 2022, Wetherbee emailed Ekwall a request for reconciliation
2 documents that were requested in the February 4, 2022, email and not provided by Ekwall.

3 1.7 On April 2, 2022, Ekwall provided the missing documents. Upon review, CTA-SD
4 #0069, appeared to be short \$1,250.18.

5 1.8 During the reconciliation review it was discovered that Ekwall's license was
6 inactive between November 1, 2018, and May 27, 2020, and reconciliation documents showed
7 Ekwall was engaging in professional property management activity during this time.

8 1.9 On April 21, 2022, an investigation was opened due to the issues found in the
9 reconciliation review.

10 1.10 On October 1, 2018, and October 25, 2018, the Agency sent emails notifying
11 Ekwall that her license would expire at the end of October.

12 1.11 On November 1, 2018, Ekwall's license expired. The same day, the Agency sent
13 an email stating the license had expired.

14 1.12 On October 31, 2019, Ekwall submitted a renewal application to the Agency.
15 Ekwall's license was expired from November 1, 2018, through October 30, 2019, 363 days.
16 After renewing her property manager license on October 31, 2019, Ekwall neglected to
17 associate her license with her registered business name.

18 1.13 On November 1, 2019, and November 10, 2019, the agency sent emails notifying
19 Ekwall that she needed to transfer her license to a registered business name, or her license
20 would become inactive. Ekwall did not associate her license with a registered business name
21 and her license was inactive from October 31, 2019, through June 2, 2020, 215 days.

22 1.14 On June 21, 2022, Agency Investigator/Financial Auditor Cidia Nañez (Nañez)
23 emailed Ekwall requesting a copy of a tenant rental agreement because reconciliation
24 documents showed a lease start date of October 5, 2019, for that property, which would have
25 been during the timeframe Ekwall's license was expired.

26 1.15 On June 28, 2022, Ekwall sent the requested tenant rental agreement which
27 showed it was signed by Ekwall on October 5, 2019, while her license was expired.

28 1.16 Agency records showed that Ekwall received five license renewal reminders
29 between October 1, 2018, and October 1, 2019. The emails were sent to her email address of
30 record with the Agency.

1 1.17 Ekwall was conducting professional property management activity without an
2 active license for a total of 578 days.

3
4 **First Statement of Law:**

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

9 ORS 696.990(4)(a) and (b) states: (4) Any person that violates ORS 696.020(2) may be
10 required by the Real Estate Commissioner to forfeit and pay to the General Fund of the State
11 Treasury a civil penalty in an amount determined by the commissioner of:

12 (a) Not less than \$100 nor more than \$500 for the first offense of unlicensed professional real
13 estate activity; and (b) Not less than \$500 nor more than \$1,000 for the second and
14 subsequent offenses of unlicensed professional real estate activity.

15 ORS 696.990(9) states for the purposes of subsection (4) of this section, any violation
16 of ORS 696.020(2) that results from a failure of a real estate licensee to renew a license within
17 the time allowed by law constitutes a single offense of unlicensed professional real estate
18 activity for each 30-day period after expiration of the license during which the individual
19 engages in professional real estate activity. A civil penalty imposed for a violation of ORS
20 696.020(2) that results from a failure of a real estate licensee to renew a license within the time
21 allowed by law is not subject to the minimum dollar amounts specified in subsection (4) of this
22 section.

23 **First Conclusion of Law:** By conducting professional real estate activity over the
24 course of 578 days without an active license, Ekwall violated ORS 696.020(2) (2017, 2019 and
25 2020 Editions) and is subject to discipline or civil penalty pursuant to ORS 696.990(4) and (9).

26
27 **Second Findings of Fact:**

28 1.18 Ekwall answered “No” in response to question 16 on the renewal application “At
29 any time during the past 24 months, while holding an inactive or expired license, have you
30 conducted professional real estate activity?” In review of Ekwall’s reconciliation records, she

1 was engaged in professional property management activity from November 1, 2018, through
2 October 30, 2019, 363 days.

3 **Second Statement of Law:**

4 ORS 696.301(12) authorizes the Commissioner to reprimand a licensee's real estate
5 license who has demonstrated incompetence or untrustworthiness in performing any act for
6 which the real estate licensee is required to hold a license.

7 **Second Conclusion of Law:** By answering no to the renewal application question "At
8 any time during the past 24 months, while holding an inactive or expired license, have you
9 conducted professional real estate activity?", Ekwall violated ORS 696.301(12) (2019 Edition)

10 **Third Findings of Fact:**

11 1.19 On June 21, 2022, Nañez emailed Ekwall to request documents, including her
12 most recent monthly reconciliations for both CTA-SD #0069 and clients' trust account ending in
13 #0085 (CTA #0085), which held owner funds.

14 1.20 On June 28, 2022, Ekwall emailed Nañez and in that email disclosed that that the
15 account ending in #0069 was short due to the ODOR garnishment and a lawyer garnishment.
16 Prior to that email Ekwall had only disclosed the ODOR garnishment. In separate emails
17 Ekwall provided documentation for two garnishments. The first included a letter from Wells
18 Fargo that stated they were served with a legal order to deduct \$241.09 from Ekwall's account.
19 Wells Fargo withdrew the money from CTA-SD #0069 on April 18, 2019. In addition, Wells
20 Fargo charged CTA-SD #0069 with a \$125 nonrefundable processing fee. The other email
21 from Ekwall included a letter from Wells Fargo that stated they were served with a legal order
22 to deduct \$3,363.07 from Ekwall's account. Wells Fargo withdrew the money from CTA-SD
23 #0069 on January 13, 2020. A \$125 nonrefundable processing fee was also charged to the
24 account.

25 1.21 On July 20, 2022, Nañez emailed Ekwall requesting proof that CTA-SD #0069
26 had been replenished. Requested documents were due July 22, 2022. Ekwall did not provide
27 this documentation.

28 **Third Statement of Law:** ORS 696.890(4)(c)(d)(e) (2019 Edition) states (4) a real
29 estate property manager owes the property owner the following affirmative duties: (c) exercise
30 reasonable care and diligence; (d) account in a timely manner for all funds received from or on
behalf of the owner; and (e) act in a fiduciary manner in all matters relating to trust funds.

1 **Third Conclusion of Law:** By failing to replenish the fund in CTA-SD #0069 after the
2 account was garnished on April 18, 2019, in the amount of \$241.09 and again on January 13,
3 2020, in the amount of \$ 3,363.07 inclusive of \$250 in bank fees each for a total of \$ 3,854.16,
4 Ekwall violated ORS 696.890(4)(c)(d)(e) (2019 Edition)

5 **Fourth Findings of Fact:**

6 1.22 The November 2021 Trust Account Reconciliation report for CTA-SD #0069
7 showed the balance of the three components did not equal and reconcile with each other.

8 1.23 The April 2022 Trust Account Reconciliation report for CTA-SD #0069 showed
9 the balance of the three components did not equal and reconcile with each other, and there
10 was no explanation of the differences.

11 **Fourth Statement of Law:** The Real Estate Commissioner may reprimand the real
12 estate license of any real estate licensee if the licensee has disregarded or violated any
13 provision of ORS 659A.421, ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to
14 696.870 and 696.890 or any rule of the Agency. ORS 696.301(3) is implemented in part by
15 OAR 863-025-0028(3)(b): (3) A property manager must reconcile each security deposits
16 account within 30 calendar days of the bank statement date pursuant to the requirements
17 contained in this section. (b) The balances of each component in section (3)(a) of this rule
18 must be equal to and reconciled with each other. If any adjustment is needed, the adjustment
19 must be clearly identified and explained on the reconciliation document.

20 **Fourth Conclusion of Law:** The three parts of the November 2021 and April 2022
21 reconciliations for CTA-SD #0069 did not balance and Ekwall failed to provide explanations for
22 why the three parts did not balance, as a result, Ekwall violated OAR 863-025-0028(3)(b)
23 (1/1/2021 Edition) which states, a property manager must reconcile each security deposit
24 account within 30 calendar days of the bank statement and the balances of each component
25 must be equal to and reconciled with each other. Additionally, if any adjustment is needed, the
26 adjustment must be clearly identified and explained on the reconciliation document.

27 **Fifth Findings of Fact:**

28 1.24 On June 21, 2022, Nañez emailed Ekwall to request documents, including her
29 most recent monthly reconciliations for both CTA-SD #0069 and CTA #0085, which held owner
30 funds.

1 1.25 On July 20, 2022, Ekwall was reminded that she needed to provide the
2 supporting documentation for the April 2022 Trust Account Reconciliation for CTA #0085; i.e.,
3 check register, bank statement, ledgers, etc. and for CTA-SD #0069; i.e., check register and
4 new reconciliation showing old checks/withdrawals had cleared.

5 1.26 On July 27, 2022, Ekwall sent an April 2022 Trust Account Reconciliation report
6 for CTA #0085. The Trust Account Reconciliation report was not a three-way reconciliation.
7 Ekwall did not provide any supporting documentation for the reconciliation, the check register
8 nor the owners' ledgers.

9 1.27 Ekwall failed to provide a check register to support the April 2022 CTA-SD #0069
10 reconciliation and a new reconciliation showing that old checks/withdrawals had cleared.

11 **Fifth Statement of Law:** The Real Estate Commissioner may reprimand the real estate
12 license of any real estate licensee if the licensee has disregarded or violated any provision of
13 ORS 659A.421, ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and
14 696.890 or any rule of the Agency. ORS 696.301(3) is implemented in part by OAR 863-025-
15 0035(2)(a) (1/1/2021 Edition) and ORS 696.280(3). OAR 863-025-0035 (2)(a) states when the
16 Agency makes a request for production of property management records, the property
17 manager must provide such records within no less than five banking days. ORS 696.280(3)
18 (2021 Edition) states records maintained under this section must at all times be open for
19 inspection by the Real Estate Commissioner or the commissioner's authorized representatives.

20 **Fifth Conclusion of Law:** By failing to provide a check register, and an updated bank
21 reconciliation report to support the April 2022 CTA-SD #0069 Trust Account Reconciliation,
22 when requested and by failing to provide a check register, and owners' ledgers to support the
23 April 2022 CTA #0085 Trust Account Reconciliation, Ekwall violated ORS 696.280(3) (2021
24 Edition).

25
26 **Conclusion of Law:** The forgoing violations are grounds for discipline pursuant to ORS
27 696.301. Based on these violations a reprimand/ is appropriate for violations of ORS
28 696.301(3). As previously noted, the Agency has set forth the grounds of discipline as ORS
29 696.301(3) and (12).

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

9 3.

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

12 4.

13 STIPULATION AND WAIVER

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

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

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

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


3 ORDER

4 IT IS HEREBY ORDERED that Amber Ekwall’s property manager license be, and
5 hereby is reprimanded.

6
7 IT IS FURTHER ORDERED that pursuant to ORS 696.990(1) to (9) and based upon the
8 violation set forth above, Ekwall pay a civil penalty in the sum of \$5,100.00, said penalty to be
9 paid to the General Fund of the State Treasury by paying the same to the Agency. The civil
10 penalty is computed in accordance with ORS 696.990(4) and (9) in that each 30-day period of
11 unlicensed activity is considered one violation. In this instance, there were seventeen, 30-day
12 periods of unlicensed activity, however, the Agency has excluded six 30-day periods from the
13 civil penalty per the settlement agreement.

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15
16 IT IS SO STIPULATED:

IT IS SO ORDERED:

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DocuSigned by:
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22 _____
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23 STEVEN STRODE



24 Real Estate Commissioner

25 Date 02/06/2023

26 Date 2/7/2023 | 7:29 AM PST

27 Date of Service: 02/07/2023

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
DEBORAH S MARTORANO) STIPULATED FINAL ORDER

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

FINDINGS OF FACT, STATEMENTS OF LAW
AND
CONCLUSIONS OF LAW

1.

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

First Findings of Fact:

1.1 Martorano was licensed as a real estate broker with RE/MAX Key Properties.

1.2 On March 1, 2022, and March 25, 2022, the Agency sent emails notifying Martorano that her license would expire at the end of March.

1.3 On April 1, 2022, Martorano’s license expired. The same day, the Agency sent an email stating that the license had expired.

1.4 On April 3, 2022, Martorano submitted a renewal application to the Agency. The same day, the Agency sent an email stating that her online renewal was successfully completed. The email also stated “If you were in an expired active status prior to renewal, you will be required to be transferred by a principal broker or property manager. After your license has been transferred you will return to the active status.”

1.5 On April 4, 2022, the Agency sent Martorano an email stating that her license was pending. The email states that her Principal Broker must transfer her license back to the registered business name (RBN). The email states “You cannot conduct professional real

1 estate activity until your license is active". The email states her license must be transferred in
2 30 days or the license will go inactive. The email contains steps to reactivate her license.

3 1.6 Martorano was not transferred back into the RBN, and her license became
4 inactive effective April 3, 2022.

5 1.7 On November 28, 2022, Martorano completed her reactivation, and her Principal
6 Broker associated her with the RBN. Also, the same day, Martorano, sent an email to the
7 Agency self-reporting that her license had become inactive unknown to her and her principal
8 broker and that it was never her intent to operate under an inactive license. The Agency
9 opened an investigation.

10 1.8 On December 15, 2022, Agency Investigator/Financial Auditor, John Moore
11 (Moore) conducted an interview with Martorano. During the interview, Martorano told Moore
12 that she had been conducting professional real estate activity the whole time her license was
13 not active.

14 1.9 From April 1, 2022, through November 27, 2022, 240 days, while her license was
15 not active, Martorano continued conducting professional real estate activity as if actively
16 licensed.

17 **Statement of Law:**

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

22 ORS 696.990(4)(a) and (b) states: (4) Any person that violates ORS 696.020(2) may be
23 required by the Real Estate Commissioner to forfeit and pay to the General Fund of the State
24 Treasury a civil penalty in an amount determined by the commissioner of:

25 (a) Not less than \$100 nor more than \$500 for the first offense of unlicensed professional real
26 estate activity; and (b) Not less than \$500 nor more than \$1,000 for the second and
27 subsequent offenses of unlicensed professional real estate activity.

28 ORS 696.990(9) states for the purposes of subsection (4) of this section, any violation
29 of ORS 696.020(2) that results from a failure of a real estate licensee to renew a license within
30 the time allowed by law constitutes a single offense of unlicensed professional real estate
activity for each 30-day period after expiration of the license during which the individual
engages in professional real estate activity. A civil penalty imposed for a 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 is not subject to the minimum dollar amounts specified in subsection (4) of this
section.

1 Real Estate Commissioner. I further understand that, in accordance with the provisions of
2 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News
3 Journal.

4 In addition to all of the above, I agree that once the Commissioner executes this
5 Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby
6 waive the right to challenge the validity of service.

7 ORDER

8 IT IS HEREBY ORDERED that pursuant to ORS 696.990(1) to (9) and based upon the
9 violation set forth above, Martorano pay a civil penalty in the sum of \$500.00, said penalty to
10 be paid to the General Fund of the State Treasury by paying the same to the Agency. The civil
11 penalty is computed in accordance with ORS 696.990(4) and (9).

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IT IS SO STIPULATED:

IT IS SO ORDERED:



DocuSigned by:
Deborah S Martorano
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Deborah S. Martorano

DocuSigned by:
Steven Strode
E2C2D0097AD8471...
STEVEN STRODE

Date 2/16/2023 | 9:58 AM PST

Date 2/17/2023 | 8:36 AM PST

Date of Service: 02/17/2023

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

TINA JANELL MITCHELL

FINAL ORDER BY DEFAULT

PROCEDURAL HISTORY AND PROCEDURAL LAW

1.

1.1 On December 30, 2022, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Revoke* the real estate property manager license of Tina Mitchell (Mitchell). The Oregon Real Estate Agency (Agency) sent the *Notice of Intent* to Mitchell's last known address of record with the Agency (4161 Woods Rd NE, Albany, OR 97321). The *Notice of Intent* was also mailed to Mitchell by regular first-class mail to the above address in a handwritten envelope. And *The Notice of Intent* was emailed to Mitchell at her email address of record.

1.2 The email was not returned as undeliverable.

1.3 On January 9, 2023, the Agency received the certified return receipt from the December 30, 2022, mailing. The receipt confirms it was signed by an individual at Mitchell's address with the surname Mitchell, but the printed name portion and date was left blank by the recipient.

1.4 The first-class mailing has not been returned to the Agency. Over twenty days (20 days) have elapsed since the mailing of the notice issued in this matter and no written request for hearing has been received by the Agency.

2.

Based upon the foregoing, and upon the Agency's investigation reports, documents and files that, pursuant to Section 9 of the *Notice of Intent*, automatically become part of the

evidentiary record of this disciplinary action upon default (for the purpose of proving a prima facie case (ORS 183.417(4)), the Real Estate Commissioner finds:

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

2.2 Mitchell's last known address of record with the Agency was 4161 Woods Rd NE, Albany, OR 97321.

2.3 A certified mailing of the *Notice of Intent* was mailed to Mitchell at her last known address of record on December 30, 2022. The Agency received the certified return receipt which was signed by Rick Mitchell.

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

2.5 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 section 9 of the *Notice of Intent to Revoke*, and section 2 above, the Agency's entire investigation file was designated as the record for purposes of presenting a prima facie case upon default, including submissions from Mitchell 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, Mitchell was licensed as a property manager working under the registered business name All-4-U Property Management (All-4-U). Mitchell is the only licensee associated with Five Star PM.

3.2 On April 21, 2022, the Agency received a complaint from property owner, Tasha Mack (Mack), against Mitchell. The Agency opened an investigation.

3.3 Mitchell had managed Mack's two properties located at 1061 Grove St Lebanon, Oregon (Grove St property) and 802 Wassom St Lebanon, Oregon (Wassom St property). Mack terminated their property management agreements with Mitchell in November 2021.

3.4 Mitchell provided Financial Investigator/Auditor Aaron Grimes (Grimes) an Account Ledger dated August 1, 2020 – December 31, 2021, specific to the Grove property. Mack also provided a copy of this ledger with their complaint as well as a copy of the Account Ledger dated August 1, 2020-December 3, 2021, specific to the Wassom property. The ledgers did not include required information for the deposit and disbursement of funds, specifically for the deposit of funds the ledgers did not contain the following required detail: check number, cash receipt number or a unique series of letters and/or numbers that

established an audit trail to the receipt of funds; and the date the funds were deposited. For the disbursement of funds, the ledgers did not contain the check number or bank-generated electronic tracking number.

3.5 Mack's complaint stated that Mitchell failed to timely provide owners' statements for their two rentals. According to email from Mack, on August 12, 2021, Mack had to request July 2021 owner statements from Mitchell, and Mitchell provided them the following day. And again, on October 22, 2021, Mack had to request the August and September 2021 owner statements from Mitchell.

3.6 On August 8, 2022, Grimes interviewed Mitchell. Mitchell said that she provides owners with monthly owners' statements. When asked for records of what was provided to Mack, Mitchell was not able to find anything in her software system and stated that she did not realize they weren't keeping a record of owner statements until January 2022. She did not have a copy of statements owners were sent. Mitchell also explained that an owner statement is not sent if the tenant doesn't pay the rent.

3.7 Record provided by Mitchell did not readily identify receipts and disbursements to enable the tracing for the \$1530 in rental income for Wasson St. shown received on the property ledger and owner statement, but not disbursed to Mack.

3.8 As stated above, Mack terminated their property management agreements with Mitchell in November 2021. Mack's complaint stated that they had not received a deposit for \$1,530.00 made on November 10, 2021. Grimes emailed Mack for clarification regarding funds and documents that were returned to them. In Mack's response, they stated they still had not received the \$1,530.00 and that Mitchell never returned rental agreements for either property.

3.9 In his interview with Mitchell, Grimes asked about the tenant agreements requested by Mack and if Mitchell had fulfilled that request. Mitchell said she would have mailed them. She stated she still has a copy of the agreement. When asked if she had proof of mailing, Mitchell stated there are pictures she takes when she goes to the mailbox and sends out information. She doesn't have record of what was in the envelope but has pictures of the envelope being sent to Wilson Properties.

3.10 Regarding the Grove St property, the owner payment ledger showed 4 payments (one was for \$1,530.00) to Wilson Property Investments during November 2021. Mack

provided a copy of the November 2021 bank statement for Wilson Property Investments with her complaint. The bank statement shows four deposits posted November 16, 2021, from All-4-U, matching the amounts stated on the owner payments ledger for the Grove St property. The bank statement did not show any record of additional deposits from All-4-U.

3.11 On July 18, 2022, Mitchell provided another version of an account ledger for the Wassom St property, showing an owner disbursement posted on November 10, 2021, in the amount of \$1,530.00. When Mitchell was asked about why the payment from the Wassom St property got posted to the ledgers without going to Mack, Mitchell stated that it was not the case, but was unable to provide any documentation to the contrary. Mitchell was unable to provide any record showing the \$1,530.00 the Wassom St property payment coming out of the clients' trust account to Mack.

3.12 On September 14, 2022, Grimes spoke with Mitchell about their monthly reconciliation process. Mitchell stated she had not reconciled the accounts since January 2022.

3.13 In September 2022, Mitchell notified the Agency of the possibility of her trust accounts being frozen. The Agency learned that a Writ of Garnishment had been issued and received by Mitchell's bank and the trust accounts were locked while the potential garnishment was being reviewed.

3.14 On September 14, 2022, Grimes requested Mitchell provide documentation supporting the amount of funds being held in the clients' trust accounts, specifically the owners' ledger totals and totals of the tenants' security deposits. On September 15, 2022, Mitchell emailed Grimes asking for more time to produce records. The records were never provided.

3.15 A representative from Mitchell's bank informed the Agency the funds in the trust accounts were temporarily restricted on September 14, 2022, and the restriction was removed September 16, 2022. All 4 accounts (accounts ending in # 3269, 3244, 3251 and 3236) were closed by Mitchell on September 16, 2022, at a different branch.

3.16 On October 10, 2022, Compliance Coordinator, Hani Ghamrawi (Ghamrawi), emailed Mitchell to update her account with the Agency by removing closed clients' trust accounts and identifying the new opened clients' trust accounts.

3.17 Mitchell responded on October 11, 2022, stating she was not managing any properties and no owner has reached out to her.

3.18 The Agency has taken action against Mitchell's property manager license before and for similar conduct found in the most recent investigation. On February 8, 2022, the Commissioner signed a stipulated final order reprimanding Mitchell's property manager license. The violations included, but were not limited to: failing to reconcile, failing to provide monthly owner statements, and demonstrating incompetence or untrustworthiness in performing an act for which the licensee is required to hold a license.

STATEMENT OF LAW APPLICABLE TO FINDINGS OF FACT

4.

4.1 ORS 696.301(3) states a real estate licensee's real estate license may be disciplined if they have: 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

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

4.3 ORS 696.301(3) as it incorporates:

a. OAR 863-025-0055(3)(b)(C)(D)(c)(C) (1-1-2021 Edition) which states (3) All owner ledgers must contain at least the following information: (b) For each deposit of funds: (C) The check number, cash receipt number or a unique series of letters and/or numbers that established an audit trail to the receipt of funds; and (D) The date the funds were deposited. (c) For each disbursement of funds: (C) The check number or bank-generated electronic tracking number.

b. OAR 863-025-0055(4) (1-1-2021 Edition) which states (4) A property manager must report in writing to each owner any change in the owner's ledger. A monthly report, showing all receipts and disbursements for the account of the owner during the prior monthly period, is

sufficient under this section. A copy of each such report must be preserved and filed in the property manager's records.

c. ORS 696.890(4)(c)(d)(e) (2021 Edition) which states (4) a real estate property manager owes the property owner the following affirmative duties: (c) to exercise reasonable care and diligence; (d) to account in a timely manner for all funds received from or on behalf of the owner; (e) to act in a fiduciary manner in all matters relating to trust funds.

d. OAR 863-025-0035(3)(b) (1-1-2021 Edition) which states if a property manager uses a computerized system for creating, maintaining and producing required records and reports: (b) posting of owner ledgers, records of receipts and disbursements, tenant ledgers and manipulation of information and documents must be maintained in a format that will readily enable tracking and reconciliation.

e. OAR 863-025-0070(2)(a)(b)(E) (1-1-2021 Edition) which states (2) Not later than 60 days after the effective date of the termination, the property manager must: (a) Disburse all obligated funds to the party or parties entitled to the funds; and (b) Provide the owner with the following: (E) Copies of all current tenant rental or lease agreements, unless the owner waives such requirement in writing or directs the property manager, in writing, to provide such documents to another property manager, escrow agent or person.

f. OAR 863-025-0070(7) (1-1-2021 Edition) which states (7) The property manager must record the transfer of documents by written proof of transmittal or receipt retained in the property manager's records.

g. OAR 863-025-0028(2)(3) (1-1-2021 Edition) states (2) A property manager must reconcile each clients' trust account within 30 calendar days of the date of the bank statement pursuant to the requirements contained in this section; (3) A property manager must reconcile each security deposits account within 30 calendar days of the bank statement date pursuant to the requirements contained in this section. Per ORS 696.301(3) a licensee's real estate license may be disciplined if they have demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license.

h. OAR 863-025-0035(2)(a)(b)(c) (1-1-2021 Edition) states (2) A property manager must produce records required under section (1) of this rule for inspection by the Agency as follows: (a) When the Agency makes a request for production of property management records, the

property manager must provide such records within no less than five banking days; (b) If the Agency has reasonable grounds to believe that funds of an owner or tenant may be missing or misappropriated or that the property manager is engaging in fraudulent activity, any records demanded or requested by the Agency must be produced immediately; and (c) Failure to produce such records within the timelines stated in subsection (a) or (b) of this section is a violation of ORS 696.301.

i. ORS 696.245(3) (2021 Edition) states within 10 business days from the date a clients' trust account is closed or transferred, a licensed real estate property manager or principal real estate broker shall notify the agency that the account has been closed or transferred and shall include in the notice the date on which the account was closed or transferred.

j. OAR 863-025-0025(4) (1-1-2021 Edition) states (4) Within 10 business days from the date a clients' trust account is closed or transferred, the property manager must notify the Agency using an online process established by the Agency.

ULTIMATE FINDINGS OF FACT

5.

5.1 Mitchell failed to maintain required information on owner ledgers for deposit and disbursement of funds.

5.2 Mitchell failed to provide timely monthly owner statements reporting changes to the owner ledger.

5.3 Mitchell failed to maintain her property management records in a format that will readily enable tracking and reconciliation.

5.4 Mitchell failed to maintain her property management records.

5.5 Mitchell failed to provide property owner Mack with copies of rental agreements and funds of \$1,530.00 within 60 days upon termination of the property management agreement.

5.6 Mitchell failed to keep a record of the transfer of documents by written proof of transmittal or receipt to property owner Mack.

5.7 Mitchell failed to reconcile each clients' trust account within 30 calendar days from the date of the bank statement.

5.8 Mitchell failed to provide the Agency with requested records regarding client trust accounts during the investigation.

5.9 Mitchell failed to notify the Agency within 10 business days of closing clients' trust accounts (ending in #3269, 3244, 3251 and 3236).

5.10 In summary, the facts above establish grounds to Revoke Mitchell's property manager license.

CONCLUSIONS OF LAW

6.

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

6.2 The material facts establish a violation of a ground for discipline, by preponderance of the evidence, under ORS 696.301 as set forth in the *Notice of Intent to Revoke*. ORS 696.396(1),(2)(c)(B) and (D).

6.3 Based on these violations, the Agency may revoke Mitchell's property manager license.

6.4 Specifically, Mitchell is subject to discipline pursuant to ORS 696.301(3) and (12) for (3) disregarding or violating 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) demonstrating incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license.

6.5 A revocation of Mitchell's property manager license is appropriate for violations of ORS 696.301(3) and (12).

6.6 A revocation of Mitchell's property manager license is appropriate under ORS 696.396(2)(c)(B) and (D). According to ORS 696.396(2)(c)(B) the Agency may suspend a real estate license if the material facts establish a violation of a ground of discipline under ORS 696.301 that (B) exhibits incompetence in the performance of professional real estate activity; (D) Repeats conduct or an act that is substantially similar to conduct or an act for which the real estate licensee was disciplined previously.

6.7 Based on the evidence in the record, the preponderance of the evidence supports the revocation of Mitchell's property manager license.

6.8 The Agency may therefore, revoke Mitchell's property manager license.

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

6.10 The specific violations are repeated here below:

(1): By failing to maintain required information on owner ledgers for deposit and disbursement of funds, Mitchell violated ORS 696.301(3) as it incorporates OAR 863-025-0055(3)(b)(C)(D)(c)(C) (2021 Edition) which states (3) All owner ledgers must contain at least the following information: (b) For each deposit of funds: (C) The check number, cash receipt number or a unique series of letters and/or numbers that established an audit trail to the receipt of funds; and (D) The date the funds were deposited. (c) For each disbursement of funds: (C) The check number or bank-generated electronic tracking number.

(2): By failing to provide timely monthly owner statements to Mack reporting changes to their owner ledger, Mitchell violated ORS 696.301(12) and ORS 696.301(3) as it incorporates ORS 696.890(4)(c)(d)(e) (2021 Edition) and OAR 863-025-0055(4) (1-1-2021 Edition). OAR 863-025-0055(4) states (4) A property manager must report in writing to each owner any change in the owner's ledger. A monthly report, showing all receipts and disbursements for the account of the owner during the prior monthly period, is sufficient under this section. A copy of each such report must be preserved and filed in the property manager's records. ORS 696.890(4)(c)(d)(e) states (4) a real estate property manager owes the property owner the following affirmative duties: (c) to exercise reasonable care and diligence; (d) to account in a timely manner for all funds received from or on behalf of the owner; (e) to act in a fiduciary manner in all matters relating to trust funds. ORS 696.301(12) states licensee's real estate license may be disciplined if they have demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license.

(3): By failing to maintain her property management records in a format that will readily enable tracking and reconciliation, Mitchell violated ORS 696.301(3) as it incorporates OAR 863-025-0035(3)(b) (1-1-2021 Edition) which states if a property manager uses a computerized system for creating, maintaining and producing required records and reports: (b) posting of owner ledgers, records of receipts and disbursements, tenant ledgers and manipulation of information and documents must be maintained in a format that will readily enable tracking and reconciliation.

(4): By failing to provide Mack with copies of rental agreements and funds of \$1,530.00 within 60 days upon termination of the property management agreement Mitchell violated ORS 696.301(3) as it incorporates OAR 863-025-0070(2)(a)(b)(E) (1-1-2021 Edition) and ORS 696.890(4)(c)(d)(e) (2021 Edition). OAR 863-025-0070(2)(a)(b)(E) (1-1-2021 Edition) states: (2) Not later than 60 days after the effective date of the termination, the property manager must: (a) Disburse all obligated funds to the party or parties entitled to the funds; and (b) Provide the owner with the following: (E) Copies of all current tenant rental or lease agreements, unless the owner waives such requirement in writing or directs the property manager, in writing, to provide such documents to another property manager, escrow agent or person. ORS 696.890(4)(c)(d)(e) (2021 Edition) states (4) a real estate property manager owes the property owner the following affirmative duties: (c) to exercise reasonable care and

diligence; (d) to account in a timely manner for all funds received from or on behalf of the owner; (e) to act in a fiduciary manner in all matters relating to trust funds.

(5): By failing to keep record of the transfer of documents by written proof of transmittal or receipt to Mack, Mitchell violated ORS 696.301(3) as it incorporates OAR 863-025-0070(7) (1-1-2021 Edition) states (7) The property manager must record the transfer of documents by written proof of transmittal or receipt retained in the property manager's records.

(6): By failing to reconcile each clients' trust account within 30 calendar days from the date of the bank statement, Mitchell violated ORS 696.301(12) and (3) as it incorporates OAR 863-025-0028(2)(3) (1-1-2021 Edition). OAR 863-025-0028(2)(3) (1-1-2021 Edition) states (2) A property manager must reconcile each clients' trust account within 30 calendar days of the date of the bank statement pursuant to the requirements contained in this section; (3) A property manager must reconcile each security deposits account within 30 calendar days of the bank statement date pursuant to the requirements contained in this section. Per ORS 696.301(3) a licensee's real estate license may be disciplined if they have demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license.

(7): By failing to provide the Agency with requested records regarding client trust accounts during the investigation, Mitchell violated ORS 696.301(3) as it incorporates OAR 863-025-0035(2)(a)(b)(c) (1-1-2021 Edition) states (2) A property manager must produce records required under section (1) of this rule for inspection by the Agency as follows: (a) When the Agency makes a request for production of property management records, the property manager must provide such records within no less than five banking days; (b) If the Agency has reasonable grounds to believe that funds of an owner or tenant may be missing or misappropriated or that the property manager is engaging in fraudulent activity, any records demanded or requested by the Agency must be produced immediately; and (c) Failure to produce such records within the timelines stated in subsection (a) or (b) of this section is a violation of ORS 696.301.

(8): By failing to notify the Agency within 10 business days of closing clients' trust accounts (ending in #3269, 3244, 3251 and 3236), Mitchell violated ORS 696.301(3) as it incorporates OAR 863-025-0025(4) (1-1-2021 Edition) and ORS 696.245(3) (2021 Edition). ORS 696.245(3) (2021 Edition) states within 10 business days from the date a clients' trust account is closed or transferred, a licensed real estate property manager or principal real estate broker shall notify the agency that the account has been closed or transferred and shall include in the notice the date on which the account was closed or transferred. OAR 863-025-0025(4) (1-1-2021 Edition) states (4) Within 10 business days from the date a clients' trust account is closed or transferred, the property manager must notify the Agency using an online process established by the Agency.

(10): In all of the above, Mitchell demonstrated incompetence or untrustworthiness in performing any act for which Mitchell is required to hold a license in violation of ORS 696.301(12) (2021 Edition).

Each of the above demonstrates incompetence or untrustworthiness in violation of ORS 696.301(12) (2021 Edition). Revocation of Mitchell's property manager license is license is appropriate under ORS 696.396(2)(c)(B) and (D).

ORDER

IT IS HEREBY ORDERED that Tina Janell Mitchell's property manager license is revoked.

Dated this 3rd day of February, 2023.

OREGON REAL ESTATE AGENCY

DocuSigned by:
Steven Strobe
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Steven Strobe
Real Estate Commissioner

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

**REAL ESTATE BOARD
REGULATION DIVISION REPORT
April 3, 2023**

Regulation Division Manager: Elli Kataura

Compliance Specialist 3s (Compliance Coordinator): Meghan Lewis, Hani Ghamrawi

Financial Investigators (Investigator-Auditor): Lindsey Nunes, Aaron Grimes, Cidia Nañez, John Moore, Frank Leonard, Dylan Ray

Compliance Specialist 2: Position vacant

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

We currently have a vacancy; Carolyn Kalb accepted a promotional opportunity with another state agency. We are currently in the recruitment process.

Workload and Activity Indicators

<u>Average # in this status at the time</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>Current 3/8/23</u>
Complaint	36	27	24	34	18
Investigation	41	43	46	28	31
<i>(# of Investigators)</i>	7	7	7	6	6
Admin Review	29	47	5	5	2
Settlement Process	49	57	8	6	1

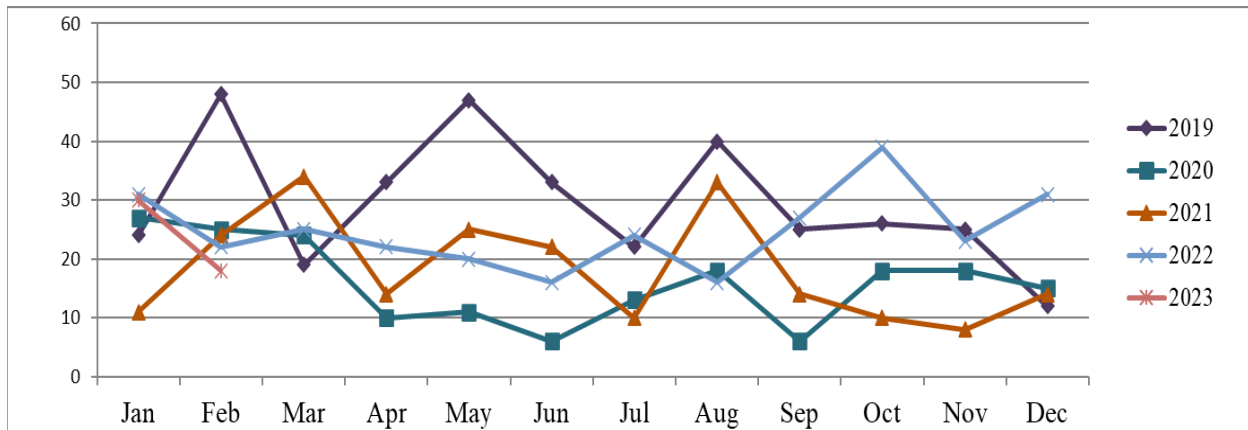
**Report to the Real Estate Board
Land Development Division
April 3rd, 2023**

Division Manager: Michael Hanifin

Section Overview:

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

Workload and Activity Indicators



Filings in January of this year were on par with last year, while February of this year has been slower than February of last year.

Rulemaking:

No rulemaking in process at this time.

2023 Legislative Session Update:

One strong theme of this legislative session is land use. There are over 90 bills introduced that relate to land use. There are also at least 25 bills related to landlord tenant law. The agency is monitoring the above bills for outcome and potential impacts.

There are five bills that impact the agency to various degrees this session. The most notable is HB 3092, which the commissioner will brief during this board meeting. All five bills are listed below. A copy of HB 3092, and the -1 amendment that was adopted, are attached for reference.

ORS Chapter 696:

SB 909 – Relating to limited liability companies.

Summary: Updates and modernizes laws that govern formation, governance, operations and conversion of limited liability companies in this state and relations among members, managers and third parties with respect to limited liability companies in this state. (No impact.)

Status: Referred to Judiciary, no hearing scheduled yet.

HB 3092 – Relating to residential property wholesaling.

Summary: Creates residential property wholesaler registration. The commissioner is briefing this bill to the board and a copy is attached to this report.

Status: Passed with -1 amendment and referred to Ways and Means.

ORS Chapter 100:

SB 316 - Relating to correction of erroneous material in Oregon Law.

Summary: This bill makes non-substantive technical changes.

Status: Scheduled for 3rd reading in the House on the 13th.

SB 847 – Relating to property.

Summary: This bill has multiple affects on development of real property and does touch on chapter 100 because it reinforces limitations on local government review of the condominium form of ownership.

Status: Referred to Housing and Development, hearing scheduled for March 15th.

HB 3342 – Relating to condominiums.

Summary: Restricts ability for public bodies other than Real Estate Agency to regulate or condition properties based on submission to condominium form of ownership. This bill's provisions related to condominiums are very similar to those found in SB 847.

Status: Referred to Housing and Homelessness, no hearing scheduled.

House Bill 3092

Sponsored by Representative BREESE-IVERSON

SUMMARY

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

Creates residential property wholesaler registration. Prohibits residential property wholesaling without registration. Provides exceptions.

A BILL FOR AN ACT

1 Relating to residential property wholesaling; creating new provisions; and amending ORS 696.010.

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

3 **SECTION 1. Definitions. As used in sections 1 to 5 of this 2023 Act:**

4 (1) **"Market"** means to advertise, or contract with another person or entity to advertise,
5 the purchase of property either publicly or privately.

6 (2) **"Residential property wholesaler"** means any individual who engages in residential
7 property wholesaling and is registered as a residential property wholesaler under section 3
8 of this 2023 Act.

9 (3) **"Residential property wholesaling"** means to market for sale the purchase of resi-
10 dential property for which the residential property wholesaler has only equitable interest or
11 an option to purchase.

12 **SECTION 2. Registration requirement; exemptions. (1) Except as provided in this section,**
13 **an individual may not engage in residential property wholesaling unless that individual is**
14 **registered as a residential property wholesaler under section 3 of this 2023 Act.**

15 (2) **This section applies to every individual who conducts residential property wholesaling**
16 **related to property located in this state.**

17 (3) **One act or transaction of residential property wholesaling is sufficient to constitute**
18 **engaging in residential property wholesaling within the meaning of this section.**

19 (4) **An individual licensed under ORS 696.022 may engage in residential property whole-**
20 **saling only if that individual:**

21 (a) **Is registered as a residential property wholesaler under section 3 of this 2023 Act; and**

22 (b) **Provides proper written disclosure to any potential buyers or sellers of all residential**
23 **property wholesale transactions.**

24 (5) **For purposes of this section, the Real Estate Agency shall establish the standards for**
25 **proper written disclosure requirements for individuals licensed under ORS 696.022 who en-**
26 **gage in residential property wholesaling. The disclosure must at least state that the individ-**
27 **ual is a real estate licensee and a registered residential property wholesaler.**

28 (6) **The requirement to register as a residential property wholesaler does not apply to an**
29 **individual:**

30 (a) **Whose equitable interest in the residential property results from a land sale contract**
31

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

1 that was entered into for purposes other than residential property wholesaling;

2 (b) Who is licensed under ORS 696.022 and is engaging in professional real estate activity;

3 (c) Who is an attorney at law rendering services in the performance of duties as an at-
4 torney at law; or

5 (d) Who acts in the individual's official capacity as a receiver, a conservator, a trustee
6 in bankruptcy, a personal representative or a trustee, or a regular salaried employee of the
7 trustee, acting under a trust agreement, deed of trust or will.

8 **SECTION 3. Residential property wholesaler registration; requirements; rules.** (1) The
9 Real Estate Agency may issue a residential property wholesaler registration only to an indi-
10 vidual.

11 (2) In accordance with any applicable provisions of ORS chapter 183, the Real Estate
12 Commissioner shall establish by rule a system to register residential property wholesalers.
13 Such a system shall include but need not be limited to prescribing:

14 (a) The form and content of and the times and procedures for submitting an application
15 for the issuance or renewal of registration.

16 (b) The term of the registration and the fee for the original issue and renewal in an
17 amount that does not exceed the cost of administering the registration system.

18 (c) Those actions or circumstances that constitute failure to achieve or maintain regis-
19 tration or competency or that otherwise constitute a danger to the public interest and for
20 which the commissioner may refuse to issue or renew or may suspend or revoke a registra-
21 tion or may impose a penalty.

22 (3) For an applicant to qualify for registration, the commissioner must receive:

23 (a) Certification that the applicant has a high school diploma or a certificate for passing
24 an approved high school equivalency test such as the General Educational Development
25 (GED) test or the international equivalent, or other equivalent education acceptable to the
26 commissioner; and

27 (b) Certification that the applicant is at least 18 years of age.

28 (4) Registration for residential property wholesalers shall be granted only if the applicant
29 is trustworthy and competent to conduct residential property wholesaling in such manner
30 as to safeguard the interests of the public and only after satisfactory proof has been pre-
31 sented to the commissioner. As used in this subsection, "satisfactory proof" includes but is
32 not limited to the fingerprints and a criminal records check of the applicant. For the pur-
33 pose of requesting a state or nationwide criminal records check under ORS 181A.195, the
34 commissioner may require the fingerprints of the applicant.

35 **SECTION 4. Disclosure requirements.** (1) Residential property wholesalers shall provide
36 a residential property wholesaler written disclosure to any potential buyers and sellers before
37 entering into an initial written contract for a residential property wholesale transaction.

38 (2) For purposes of this section, the Real Estate Agency shall establish the standards for
39 proper residential property wholesaler written disclosure requirements under this section.
40 The disclosure must at least state that the residential property wholesaler:

41 (a) Is a residential property wholesaler;

42 (b) Has only an equitable interest in the property being sold;

43 (c) Does not have legal title to the property and therefore might be unable to directly
44 transfer title to the buyer;

45 (d) Might not be a licensed real estate agent and therefore might not be permitted to

1 engage in professional real estate activity; and

2 (e) Might not be a licensed appraisal specialist and therefore might not be permitted to
3 provide an opinion as to the value of the property.

4 (3) A seller or buyer who enters into an initial written contract for a residential property
5 wholesale transaction may cancel the contract by delivery of a written notice of cancellation
6 any time prior to 12 a.m. at the end of the third business day after the receipt of the resi-
7 dential property wholesaler written disclosure.

8 (4) If the residential property wholesaler fails to provide a residential property wholesaler
9 written disclosure to the seller before entering into an initial written contract for a resi-
10 dential property wholesale transaction, the seller may terminate the contract at any time
11 without penalty and retain any earnest money paid to the seller by the residential property
12 wholesaler.

13 (5) If the residential property wholesaler fails to provide a residential property wholesaler
14 written disclosure to the buyer before entering into an initial written contract for a resi-
15 dential property wholesale transaction, the buyer may terminate the contract at any time
16 without penalty and retain any earnest money paid to the residential property wholesaler.

17 (6) In any civil action between buyer and seller that arises due to the residential property
18 wholesaler's failure to provide a residential property wholesaler written disclosure before
19 entering into an initial written contract for a residential property wholesale transaction as
20 prescribed under this section, the prevailing party bring a claim to recover all reasonable
21 attorney fees, costs and expenses incurred at trial, on appeal, at mediation and at arbitration
22 from the residential property wholesaler.

23 **SECTION 5. Grounds for disciplinary action.** The Real Estate Commissioner may suspend
24 or revoke registration of any residential property wholesaler, or may deny the issuance or
25 renewal of registration to an applicant, who has done any of the following:

26 (1) Knowingly or negligently pursued a course of material misrepresentation in matters
27 related to residential property wholesaling, whether or not damage or injury resulted, or
28 knowingly or negligently made any material misrepresentation or material false promise in
29 a matter related to residential property wholesaling if the material misrepresentation or
30 material false promise created a reasonable probability of damage or injury, whether or not
31 damage or injury actually resulted.

32 (2) Procured or attempted to procure a residential property wholesaler registration by
33 fraud, misrepresentation or deceit or by making any material misstatement of fact in an
34 application for a residential property wholesaler registration.

35 (3) Engaged in any act or conduct, whether of the same or of a different character
36 specified in this subsection, that constitutes or demonstrates bad faith, incompetence,
37 untrustworthiness or dishonest, fraudulent or improper dealings.

38 **SECTION 6.** ORS 696.010 is amended to read:

39 696.010. As used in ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870, 696.990 and
40 696.995 and sections 1 to 5 of this 2023 Act, unless the context requires otherwise:

41 (1) "Associated with" means to be employed, engaged or otherwise supervised by, with respect
42 to the relationship between:

43 (a) A real estate broker and a principal real estate broker;

44 (b) A licensed real estate property manager and a principal real estate broker; or

45 (c) A licensed real estate property manager and another licensed real estate property manager.

1 (2) "Bank" includes any bank or trust company, savings bank, mutual savings bank, savings and
2 loan association or credit union that maintains a head office or a branch in this state in the capacity
3 of a bank or trust company, savings bank, mutual savings bank, savings and loan association or
4 credit union.

5 (3)(a) "Branch office" means a business location, other than the main office designated under
6 ORS 696.200, where professional real estate activity is regularly conducted or that is advertised to
7 the public as a place where professional real estate activity may be regularly conducted.

8 (b) Model units or temporary structures used solely for the dissemination of information and
9 distribution of lawfully required public reports shall not be considered branch offices. A model unit
10 means a permanent residential structure located in a subdivision or development used for such dis-
11 semination and distribution, so long as the unit is at all times available for sale, lease, lease option
12 or exchange.

13 (4) "Business day" means a day other than Saturday or Sunday or a federal or State of Oregon
14 legal holiday.

15 (5) "Commingle" means the mixing of funds from any source, including personal funds, with trust
16 funds as defined in ORS 696.241, by a licensed real estate property manager or principal real estate
17 broker, except as specifically authorized by this chapter.

18 (6) "Compensation" means valuable consideration for services rendered or to be rendered,
19 whether contingent or otherwise.

20 (7) "Competitive market analysis" means a method or process used by a real estate licensee in
21 pursuing a listing agreement or in formulating an offer to acquire real estate in a transaction for
22 the sale, lease, lease-option or exchange of real estate. The objective of competitive market analysis
23 is a recommended listing, selling or purchase price or a lease or rental consideration. A competitive
24 market analysis may be expressed as an opinion of the value of the real estate in a contemplated
25 transaction. Competitive market analysis may include but is not limited to an analysis of market
26 conditions, public records, past transactions and current listings of real estate.

27 (8) "Expired" means, in the context of a real estate licensee, that the license has not been re-
28 newed in a timely manner, but may still be renewed.

29 (9) "Inactive" means, in the context of a real estate licensee, that the licensee is not authorized
30 to engage in professional real estate activity. The inactive status of a license continues until the
31 license is reactivated or the license expires or lapses.

32 (10) "Lapsed" means, in the context of a real estate licensee, that the license has not been re-
33 newed in a timely manner and is not eligible for renewal.

34 (11) "Letter opinion" has the meaning given that term in ORS 696.294.

35 (12) "Licensed real estate property manager" means an individual who holds an active real es-
36 tate property manager's license issued under ORS 696.022.

37 (13) "Main office" means the office designated by a principal real estate broker or licensed real
38 estate property manager pursuant to ORS 696.200.

39 (14) "Management of rental real estate" means:

40 (a) Representing the owner of real estate under a property management agreement in the rental
41 or lease of the real estate and includes but is not limited to:

42 (A) Advertising the real estate for rent or lease;

43 (B) Procuring prospective tenants to rent or lease the real estate;

44 (C) Negotiating with prospective tenants;

45 (D) Accepting deposits from prospective tenants;

- 1 (E) Checking the qualifications and creditworthiness of prospective tenants;
- 2 (F) Charging and collecting rent or lease payments;
- 3 (G) Representing the owner in inspection or repair of the real estate;
- 4 (H) Contracting for repair or remodeling of the real estate;
- 5 (I) Holding trust funds or property received in managing the real estate and accounting to the
- 6 owner for the funds or property;
- 7 (J) Advising the owner regarding renting or leasing the real estate;
- 8 (K) Providing staff and services to accommodate the tax reporting and other financial or ac-
- 9 counting needs of the real estate;
- 10 (L) Providing copies of records of acts performed on behalf of the owner of the real estate; and
- 11 (M) Offering or attempting to do any of the acts described in this paragraph for the owner of
- 12 the real estate; or
- 13 (b) Representing a tenant or prospective tenant when renting or leasing real estate for which
- 14 a real estate property manager has a property management agreement with the owner of the real
- 15 estate and includes but is not limited to:
 - 16 (A) Consulting with tenants or prospective tenants about renting or leasing real estate;
 - 17 (B) Assisting prospective tenants in renting or leasing real estate;
 - 18 (C) Assisting prospective tenants in qualifying for renting or leasing real estate;
 - 19 (D) Accepting deposits or other funds from prospective tenants for renting or leasing real estate
 - 20 and holding the funds in trust for the prospective tenants;
 - 21 (E) Representing tenants or prospective tenants renting or leasing real estate; and
 - 22 (F) Offering or attempting to do any of the acts described in this paragraph for a tenant or
 - 23 prospective tenant.
- 24 (15) "Nonlicensed individual" means an individual:
 - 25 (a) Who has not obtained a real estate license; or
 - 26 (b) Whose real estate license is lapsed, expired, inactive, suspended, surrendered or revoked.
- 27 (16) "Principal real estate broker" means an individual who holds an active license as a princi-
- 28 pal real estate broker issued under ORS 696.022.
- 29 (17) "Professional real estate activity" means any of the following actions, when engaged in for
- 30 another and for compensation or with the intention or in the expectation or upon the promise of
- 31 receiving or collecting compensation, by any person who:
 - 32 (a) Sells, exchanges, purchases, rents or leases real estate;
 - 33 (b) Offers to sell, exchange, purchase, rent or lease real estate;
 - 34 (c) Negotiates, offers, attempts or agrees to negotiate the sale, exchange, purchase, rental or
 - 35 leasing of real estate;
 - 36 (d) Lists, offers, attempts or agrees to list real estate for sale;
 - 37 (e) Offers, attempts or agrees to perform or provide a competitive market analysis or letter
 - 38 opinion, to represent a taxpayer under ORS 305.239 or 309.100 or to give an opinion in any admin-
 - 39 istrative or judicial proceeding regarding the value of real estate for taxation, except when the ac-
 - 40 tivity is performed by a state certified appraiser or state licensed appraiser;
 - 41 (f) Auctions, offers, attempts or agrees to auction real estate;
 - 42 (g) Buys, sells, offers to buy or sell or otherwise deals in options on real estate;
 - 43 (h) Engages in management of rental real estate;
 - 44 (i) Purports to be engaged in the business of buying, selling, exchanging, renting or leasing real
 - 45 estate;

1 (j) Assists or directs in the procuring of prospects, calculated to result in the sale, exchange,
2 leasing or rental of real estate;

3 (k) Assists or directs in the negotiation or closing of any transaction calculated or intended to
4 result in the sale, exchange, leasing or rental of real estate;

5 (L) Except as otherwise provided in ORS 696.030 (12), advises, counsels, consults or analyzes in
6 connection with real estate values, sales or dispositions, including dispositions through eminent do-
7 main procedures;

8 (m) Advises, counsels, consults or analyzes in connection with the acquisition or sale of real
9 estate by an entity if the purpose of the entity is investment in real estate; or

10 (n) Performs real estate marketing activity as described in ORS 696.600.

11 (18) "Property management agreement" means a written contract for the management of rental
12 real estate between a real estate property manager and the owner of the rental real estate.

13 (19) "Real estate" includes leaseholds and licenses to use including, but not limited to, timeshare
14 estates and timeshare licenses as defined in ORS 94.803, as well as any and every interest or estate
15 in real property, whether corporeal or incorporeal, whether freehold or nonfreehold, whether held
16 separately or in common with others and whether the real property is situated in this state or
17 elsewhere.

18 (20) "Real estate broker" means an individual who holds an active license as a real estate bro-
19 ker issued under ORS 696.022.

20 (21) "Real estate licensee" means an individual who holds an active license or an active limited
21 license as a real estate broker, principal real estate broker or licensed real estate property manager.

22 (22) "Real estate property manager" means a real estate licensee who engages in the manage-
23 ment of rental real estate and is a licensed real estate property manager, a principal real estate
24 broker or a real estate broker who is associated with and supervised by a principal real estate
25 broker.

26 (23) "Registered business name" means a name registered with the Real Estate Agency under
27 which the individual registering the name engages in professional real estate activity.

28 **SECTION 7. Sections 1 to 5 of this 2023 Act and the amendments to ORS 696.010 by sec-**
29 **tion 6 of this 2023 Act apply to contracts entered into on or after the effective date of this**
30 **2023 Act.**

31 **SECTION 8. The section captions used in this 2023 Act are provided only for the con-**
32 **venience of the reader and do not become part of the statutory law of this state or express**
33 **any legislative intent in the enactment of this 2023 Act.**

34

HB 3092-1
(LC 3299)
3/6/23 (HE/ps)

Requested by Representative BREESE-IVERSON

**PROPOSED AMENDMENTS TO
HOUSE BILL 3092**

1 On page 1 of the printed bill, line 2, after “696.010” insert “, 696.581 and
2 696.730”.

3 Delete lines 4 through 31 and delete pages 2 through 6 and insert:

4 **“SECTION 1. Definitions. As used in sections 1 to 9 of this 2023 Act:**

5 **“(1) ‘Market’ means to advertise, or contract with another person**
6 **or entity to advertise, or to solicit purchasers for the purchase of**
7 **property either publicly or privately.**

8 **“(2) ‘Residential property’ means real property zoned for residential**
9 **use, or an existing condominium unit as defined in ORS 100.005.**

10 **“(3) ‘Residential property wholesaler’ means any individual who**
11 **engages in residential property wholesaling and is registered as a res-**
12 **idential property wholesaler under section 3 of this 2023 Act.**

13 **“(4) ‘Residential property wholesaling’ means to market residential**
14 **property for which the marketer has only an equitable interest or an**
15 **option to purchase and, at the time of marketing, the marketer has:**

16 **“(a) Held such interest or option for fewer than 90 days; and**

17 **“(b) Invested less than \$10,000 in land development or improvement**
18 **costs associated with the residential property.**

19 **“SECTION 2. Registration requirement; exemptions. (1) Except as**
20 **provided in subsections (4) and (6) of this section, a person may not**
21 **engage in residential property wholesaling unless that person, or, if**

1 that person is an entity, the individual conducting residential property
2 wholesaling activity on that person's behalf, is registered as a resi-
3 dential property wholesaler under section 3 of this 2023 Act.

4 “(2) This section applies to every person who conducts residential
5 property wholesaling related to property located in this state.

6 “(3) One act or transaction of residential property wholesaling is
7 sufficient to constitute engaging in residential property wholesaling
8 within the meaning of this section.

9 “(4) An individual licensed under ORS 696.022 may engage in resi-
10 dential property wholesaling without registering as a residential prop-
11 erty wholesaler only if that individual provides proper written
12 disclosure to any potential buyers or sellers of all residential property
13 wholesale transactions.

14 “(5) For purposes of this section, the Real Estate Agency shall es-
15 tablish the standards for proper written disclosure requirements for
16 individuals licensed under ORS 696.022 who engage in residential
17 property wholesaling.

18 “(6) The requirement to register as a residential property wholesaler
19 does not apply to a person:

20 “(a) Who is licensed under ORS 696.022 and is engaging in profes-
21 sional real estate activity;

22 “(b) Who is an attorney at law rendering services in the perform-
23 ance of duties as an attorney at law;

24 “(c) Who acts in the person's official capacity as a receiver, a
25 conservator, a trustee in bankruptcy, a personal representative or a
26 trustee, or a regular salaried employee of the trustee, acting under a
27 deed of trust, will or trust agreement, provided that the trustee does
28 not use the trust agreement as a device to engage in residential prop-
29 erty wholesaling without obtaining the necessary registration;

30 “(d) Who acts as attorney in fact under a duly executed power of

1 attorney in which the authorized agent is the spouse of the principal,
2 or the child, grandchild, parent, grandparent, sibling, aunt, uncle,
3 niece or nephew of the principal or of the spouse of the principal, au-
4 thORIZING real estate activity if the power of attorney is recorded in the
5 office of the recording officer for the county in which the real estate
6 to be sold, leased or exchanged is located; or

7 “(e) Who acts as attorney in fact under a duly executed power of
8 attorney from the owner or purchaser authorizing the supervision of
9 the closing of or supervision of the performance of a contract for the
10 sale, lease or exchange of real estate if the power of attorney was ex-
11 ecuted prior to July 1, 2002, in compliance with the requirements of
12 law at the time of execution or if:

13 “(A) The power of attorney is recorded in the office of the recording
14 officer for the county in which the real estate is located;

15 “(B) The power of attorney specifically describes the real estate;
16 and

17 “(C) The person does not use the power of attorney as a device to
18 engage in residential property wholesaling without obtaining the nec-
19 essary registration.

20 “SECTION 3. Residential property wholesaler registration; require-
21 ments; rules. (1) The Real Estate Agency may issue a residential
22 property wholesaler registration only to an individual.

23 “(2) In accordance with any applicable provisions of ORS chapter
24 183, the Real Estate Commissioner shall establish by rule a system to
25 register residential property wholesalers. Such a system shall include
26 but need not be limited to prescribing:

27 “(a) The form and content of and the times and procedures for
28 submitting an application for the issuance or renewal of registration.

29 “(b) The term of the registration and the fee for the initial issuance
30 and renewal in an amount that does not exceed the maximum amount

1 described in section 4 of this 2023 Act.

2 “(c) Those actions or circumstances that constitute failure to
3 achieve or maintain registration or competency or that otherwise
4 constitute a danger to the public interest and for which the commis-
5 sioner may refuse to issue or renew or may suspend or revoke a reg-
6 istration or may impose a penalty.

7 “(3) For an applicant to qualify for registration, the commissioner
8 must receive:

9 “(a) Certification that the applicant has a high school diploma or
10 a certificate for passing an approved high school equivalency test such
11 as the General Educational Development (GED) test or the interna-
12 tional equivalent, or other equivalent education acceptable to the
13 commissioner; and

14 “(b) Certification that the applicant is at least 18 years of age.

15 “(c) A list of all entities, business names and assumed business
16 names under which the applicant has conducted or will conduct resi-
17 dential property wholesaling activity, along with evidence that all
18 business names and assumed business names are registered with the
19 Secretary of State and all entities, including foreign entities, are au-
20 thorized by the Secretary of State to transact business in this state.

21 “(4) Registration for residential property wholesalers shall be
22 granted only if the applicant is trustworthy and competent to conduct
23 residential property wholesaling in such manner as to safeguard the
24 interests of the public and only after satisfactory proof has been pre-
25 sented to the commissioner. As used in this subsection, ‘satisfactory
26 proof’ includes but is not limited to a criminal records check of the
27 applicant under ORS 181A.195. For the purpose of requesting a state
28 or nationwide criminal records check under ORS 181A.195, the com-
29 missioner may require the fingerprints of the applicant.

30 “SECTION 4. The Real Estate Commissioner, with the approval of

1 the Oregon Department of Administrative Services, may prescribe the
2 fees that the Real Estate Agency may charge for activities listed under
3 this section, subject to the following maximum amounts:

4 “(1) For initial issuance of residential property wholesaler registra-
5 tion under section 3 of this 2023 Act, \$300; and

6 “(2) For renewal of residential property wholesaler registration un-
7 der section 3 of this 2023 Act, \$300.

8 **SECTION 5. Disclosure requirements.** (1) Residential property
9 wholesalers shall provide a residential property wholesaler written
10 disclosure:

11 “(a) To any potential buyers and sellers before entering into a
12 written contract for a residential property wholesale transaction;

13 “(b) To any individual licensed under ORS 696.022 who is engaged
14 to assist the residential property wholesaler in marketing or listing the
15 property;

16 “(c) To any individual licensed under ORS 696.022 who is assisting
17 a potential buyer in purchasing the property; and

18 “(d) In all advertising related to the residential property that is the
19 subject of a residential property wholesale transaction.

20 “(2) For purposes of this section, the Real Estate Agency shall es-
21 tablish the standards for proper residential property wholesaler writ-
22 ten disclosure requirements under this section. The disclosure must
23 be in at least 10-point bold type, must contain information prescribed
24 by the Real Estate Commissioner and at a minimum must state that
25 the residential property wholesaler or, if applicable, the entity on be-
26 half of which the residential property wholesaler is conducting resi-
27 dential property wholesaling:

28 “(a) Is a residential property wholesaler;

29 “(b) Has only an equitable interest in the property being sold;

30 “(c) Does not have legal title to the property and therefore might

1 be unable to directly transfer title to the buyer;

2 “(d) Might not be a licensed real estate broker or principal broker
3 and therefore might not be permitted to engage in professional real
4 estate activity; and

5 “(e) Might not be a licensed appraisal specialist and therefore might
6 not be permitted to provide an opinion as to the value of the property.

7 “(3) A seller or buyer who enters into a written contract for a res-
8 idential property wholesale transaction may cancel the contract with-
9 out penalty by delivery of a written notice of cancellation any time
10 before 12 a.m. at the end of the third business day after the receipt
11 of the residential property wholesaler written disclosure. The right of
12 cancellation granted by this subsection may not be waived. Upon
13 cancellation, all earnest money or deposits shall be returned to the
14 person who provided the earnest money or deposit.

15 “(4) If the residential property wholesaler fails to provide a resi-
16 dential property wholesaler written disclosure to the seller before en-
17 tering into a written contract for a residential property wholesale
18 transaction, the seller may terminate the contract at any time without
19 penalty and retain any earnest money or deposit paid to the seller or
20 deposited in escrow by the residential property wholesaler. An escrow
21 agent may disburse the earnest money or deposit to the seller without
22 the need for separate written instructions from the residential prop-
23 erty wholesaler if:

24 “(a) The seller in writing asserts that the residential property
25 wholesaler written disclosure was not provided to the seller before
26 entering into the written contract for the residential property whole-
27 sale transaction and demands disbursement to the seller of all deposits
28 held by the escrow agent; and

29 “(b) The seller has provided the escrow agent with a written release
30 and indemnification against all liability arising from the disbursement

1 of the earnest money and deposits to the seller.

2 “(5) If the residential property wholesaler fails to provide a resi-
3 dential property wholesaler written disclosure to the seller or buyer,
4 and if the purchase and sale agreement is terminated as a result, the
5 wholesaler shall be liable for damages incurred by seller and buyer.

6 “(6) In any mediation or arbitration proceeding or civil action be-
7 tween buyer and seller, between buyer and residential property
8 wholesaler or between seller and residential property wholesaler that
9 arises due to the residential property wholesaler’s failure to provide a
10 residential property wholesaler written disclosure before entering into
11 a written contract for a residential property wholesale transaction as
12 prescribed under this section, the prevailing party is entitled to re-
13 cover all reasonable attorney fees, costs and expenses incurred at trial,
14 on appeal, at mediation and at arbitration from the residential prop-
15 erty wholesaler.

16 **“SECTION 6. Grounds for disciplinary action.** The Real Estate
17 Commissioner may suspend or revoke registration of any residential
18 property wholesaler, deny the issuance or renewal of registration to
19 an applicant, or prohibit an individual licensed under ORS 696.022 from
20 engaging in residential property wholesaling as otherwise provided in
21 section 2 (4) of this 2023 Act if the wholesaler, applicant or individual
22 has done any of the following:

23 “(1) Knowingly or negligently pursued a course of material misrep-
24 resentation in matters related to residential property wholesaling,
25 whether or not damage or injury resulted, or knowingly or negligently
26 made any material misrepresentation or material false promise in a
27 matter related to residential property wholesaling if the material
28 misrepresentation or material false promise created a reasonable
29 probability of damage or injury, whether or not damage or injury ac-
30 tually resulted.

1 **“(2) Procured or attempted to procure a residential property**
2 **wholesaler registration by fraud, misrepresentation or deceit or by**
3 **making any material misstatement of fact in an application for a res-**
4 **idential property wholesaler registration.**

5 **“(3) Violated a provision of sections 2 or 5 of this 2023 Act.**

6 **“(4) Engaged in any act or conduct, whether of the same or of a**
7 **different character specified in this subsection, that constitutes or**
8 **demonstrates bad faith, incompetence, untrustworthiness or dishon-**
9 **est, fraudulent or improper dealings.**

10 **“SECTION 7. Investigation. (1) The Real Estate Commissioner may**
11 **investigate either upon complaint or otherwise whenever it appears**
12 **that a person has conducted residential property wholesaling in vio-**
13 **lation of sections 2 to 6 of this 2023 Act.**

14 **“(2) If upon investigation it appears that the person has violated a**
15 **provision of sections 2 to 6 of this 2023 Act, the commissioner may, in**
16 **addition to any other remedies, bring action in the name and on behalf**
17 **of the State of Oregon against such person to enjoin such person from**
18 **continuing any act in violation of sections 2 to 6 of this 2023 Act.**

19 **“SECTION 8. Penalties. (1) Violation of any of the provisions of**
20 **sections 2, 5 or 6 of this 2023 Act is a Class A misdemeanor.**

21 **“(2) Any officer, director, shareholder, member, manager or agent**
22 **of a corporation, limited liability company, partnership or association,**
23 **who personally participates in or is an accessory to any violation of**
24 **sections 2, 5 or 6 of this 2023 Act by the corporation, limited liability**
25 **company, partnership or association, is subject to the penalties pre-**
26 **scribed in subsection (1) of this section.**

27 **“(3) Any person that violates section 2 of this 2023 Act may be re-**
28 **quired by the Real Estate Commissioner to forfeit and pay to the**
29 **General Fund of the State Treasury a civil penalty in an amount de-**
30 **termined by the commissioner of:**

1 “(a) Not less than \$1,000 nor more than \$2,500 for the first offense
2 of unregistered residential property wholesaling activity; and

3 “(b) Not less than \$2,500 nor more than \$5,000 for the second and
4 subsequent offenses of unregistered residential property wholesaling
5 activity.

6 “(4) In addition to the civil penalty set forth in subsection (3) of this
7 section, any person that violates section 2 of this 2023 Act may be re-
8 quired by the commissioner to forfeit and pay to the General Fund of
9 the State Treasury a civil penalty in an amount determined by the
10 commissioner, but not to exceed the amount by which such person
11 profited in any transaction that violates section 2 of this 2023 Act.

12 “(5) No person engaging in residential property wholesaling activity
13 may maintain any suit or action in any of the courts of this state to
14 enforce any claim arising out of residential property wholesaling ac-
15 tivity without alleging and proving that the person was registered, or
16 exempt from registering, under section 3 of this 2023 Act.

17 “(6) The civil penalty provisions of subsections (3) and (4) of this
18 section are in addition to and not in lieu of the criminal penalties for
19 unregistered residential property wholesaling activity provided by
20 subsections (1) and (2) of this section.

21 “(7) For the purposes of subsection (3) of this section, any violation
22 of section 2 of this 2023 Act that results from a failure of a residential
23 property wholesaler to renew their registration within the time al-
24 lowed by law constitutes a single offense of residential property
25 wholesaling activity without registration for each 30-day period after
26 the lapse of registration during which the individual engages in resi-
27 dential property wholesaling activity. A civil penalty imposed for a
28 violation of section 2 of this 2023 Act that results from a failure of a
29 residential property wholesaler to renew their registration within the
30 time allowed by law is not subject to the minimum dollar amounts

1 specified in subsection (3) of this section.

2 “(8) Subsection (4) of this section does not apply to a violation of
3 section 2 of this 2023 Act that results from a failure of a residential
4 property wholesaler to renew their registration within the time al-
5 lowed by law.

6 “(9) Subsection (4) of this section does not apply to a violation of
7 section 2 of this 2023 Act that results from a failure of a residential
8 property wholesaler to renew a license within the time allowed by law.

9 “(10) This section does not apply to escrow agents licensed under
10 ORS 696.511 or to their employees engaged in rendering escrow services
11 in the performance of duties as an escrow agent.

12 “(11) Civil penalties under this section shall be imposed as provided
13 in ORS 183.745.

14 **“SECTION 9. Commissioner’s order against unregistered residential**
15 **property wholesaler.** (1) Whenever the Real Estate Commissioner finds
16 that a person is offering to engage in residential property wholesaling
17 activity without registering as a residential property wholesaler and
18 the person is required to register under section 2 of this 2023 Act, the
19 commissioner may, subject to ORS chapter 183, issue an order direct-
20 ing the person to cease and desist from offering to engage in or en-
21 gaging in residential property wholesaling activity.

22 “(2) A cease and desist order issued under subsection (1) of this
23 section must include:

24 “(a) A statement of the facts constituting the violation.

25 “(b) A provision requiring the person named in the order to cease
26 and desist from the violation.

27 “(c) The effective date of the order.

28 “(d) A notice to the person named in the order of the right to a
29 contested case hearing under ORS chapter 183.

30 “(3) A cease and desist order issued under subsection (1) of this

1 **section becomes effective 30 days after the date of the order unless the**
2 **person named in the order requests a hearing on the order.**

3 **“SECTION 10.** ORS 696.010 is amended to read:

4 “696.010. As used in ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to
5 696.870, 696.990 and 696.995 **and sections 1 to 9 of this 2023 Act**, unless the
6 context requires otherwise:

7 “(1) ‘Associated with’ means to be employed, engaged or otherwise super-
8 vised by, with respect to the relationship between:

9 “(a) A real estate broker and a principal real estate broker;

10 “(b) A licensed real estate property manager and a principal real estate
11 broker; or

12 “(c) A licensed real estate property manager and another licensed real
13 estate property manager.

14 “(2) ‘Bank’ includes any bank or trust company, savings bank, mutual
15 savings bank, savings and loan association or credit union that maintains a
16 head office or a branch in this state in the capacity of a bank or trust
17 company, savings bank, mutual savings bank, savings and loan association
18 or credit union.

19 “(3)(a) ‘Branch office’ means a business location, other than the main of-
20 fice designated under ORS 696.200, where professional real estate activity is
21 regularly conducted or that is advertised to the public as a place where
22 professional real estate activity may be regularly conducted.

23 “(b) Model units or temporary structures used solely for the dissemination
24 of information and distribution of lawfully required public reports shall not
25 be considered branch offices. A model unit means a permanent residential
26 structure located in a subdivision or development used for such dissem-
27 ination and distribution, so long as the unit is at all times available for sale,
28 lease, lease option or exchange.

29 “(4) ‘Business day’ means a day other than Saturday or Sunday or a fed-
30 eral or State of Oregon legal holiday.

1 “(5) ‘Commingle’ means the mixing of funds from any source, including
2 personal funds, with trust funds as defined in ORS 696.241, by a licensed real
3 estate property manager or principal real estate broker, except as specifically
4 authorized by this chapter.

5 “(6) ‘Compensation’ means valuable consideration for services rendered
6 or to be rendered, whether contingent or otherwise.

7 “(7) ‘Competitive market analysis’ means a method or process used by a
8 real estate licensee in pursuing a listing agreement or in formulating an of-
9 fer to acquire real estate in a transaction for the sale, lease, lease-option or
10 exchange of real estate. The objective of competitive market analysis is a
11 recommended listing, selling or purchase price or a lease or rental consid-
12 eration. A competitive market analysis may be expressed as an opinion of the
13 value of the real estate in a contemplated transaction. Competitive market
14 analysis may include but is not limited to an analysis of market conditions,
15 public records, past transactions and current listings of real estate.

16 “(8) ‘Expired’ means, in the context of a real estate licensee, that the li-
17 cense has not been renewed in a timely manner, but may still be renewed.

18 “(9) ‘Inactive’ means, in the context of a real estate licensee, that the
19 licensee is not authorized to engage in professional real estate activity. The
20 inactive status of a license continues until the license is reactivated or the
21 license expires or lapses.

22 “(10) ‘Lapsed’ means, in the context of a real estate licensee, that the li-
23 cense has not been renewed in a timely manner and is not eligible for re-
24 newal.

25 “(11) ‘Letter opinion’ has the meaning given that term in ORS 696.294.

26 “(12) ‘Licensed real estate property manager’ means an individual who
27 holds an active real estate property manager’s license issued under ORS
28 696.022.

29 “(13) ‘Main office’ means the office designated by a principal real estate
30 broker or licensed real estate property manager pursuant to ORS 696.200.

1 “(14) ‘Management of rental real estate’ means:

2 “(a) Representing the owner of real estate under a property management

3 agreement in the rental or lease of the real estate and includes but is not

4 limited to:

5 “(A) Advertising the real estate for rent or lease;

6 “(B) Procuring prospective tenants to rent or lease the real estate;

7 “(C) Negotiating with prospective tenants;

8 “(D) Accepting deposits from prospective tenants;

9 “(E) Checking the qualifications and creditworthiness of prospective ten-

10 ants;

11 “(F) Charging and collecting rent or lease payments;

12 “(G) Representing the owner in inspection or repair of the real estate;

13 “(H) Contracting for repair or remodeling of the real estate;

14 “(I) Holding trust funds or property received in managing the real estate

15 and accounting to the owner for the funds or property;

16 “(J) Advising the owner regarding renting or leasing the real estate;

17 “(K) Providing staff and services to accommodate the tax reporting and

18 other financial or accounting needs of the real estate;

19 “(L) Providing copies of records of acts performed on behalf of the owner

20 of the real estate; and

21 “(M) Offering or attempting to do any of the acts described in this para-

22 graph for the owner of the real estate; or

23 “(b) Representing a tenant or prospective tenant when renting or leasing

24 real estate for which a real estate property manager has a property man-

25 agement agreement with the owner of the real estate and includes but is not

26 limited to:

27 “(A) Consulting with tenants or prospective tenants about renting or

28 leasing real estate;

29 “(B) Assisting prospective tenants in renting or leasing real estate;

30 “(C) Assisting prospective tenants in qualifying for renting or leasing real

1 estate;

2 “(D) Accepting deposits or other funds from prospective tenants for rent-
3 ing or leasing real estate and holding the funds in trust for the prospective
4 tenants;

5 “(E) Representing tenants or prospective tenants renting or leasing real
6 estate; and

7 “(F) Offering or attempting to do any of the acts described in this para-
8 graph for a tenant or prospective tenant.

9 “(15) ‘Nonlicensed individual’ means an individual:

10 “(a) Who has not obtained a real estate license; or

11 “(b) Whose real estate license is lapsed, expired, inactive, suspended,
12 surrendered or revoked.

13 “(16) ‘Principal real estate broker’ means an individual who holds an ac-
14 tive license as a principal real estate broker issued under ORS 696.022.

15 “(17) ‘Professional real estate activity’ means any of the following actions,
16 when engaged in for another and for compensation or with the intention or
17 in the expectation or upon the promise of receiving or collecting compen-
18 sation, by any person who:

19 “(a) Sells, exchanges, purchases, rents or leases real estate;

20 “(b) Offers to sell, exchange, purchase, rent or lease real estate;

21 “(c) Negotiates, offers, attempts or agrees to negotiate the sale, exchange,
22 purchase, rental or leasing of real estate;

23 “(d) Lists, offers, attempts or agrees to list real estate for sale;

24 “(e) Offers, attempts or agrees to perform or provide a competitive market
25 analysis or letter opinion, to represent a taxpayer under ORS 305.239 or
26 309.100 or to give an opinion in any administrative or judicial proceeding
27 regarding the value of real estate for taxation, except when the activity is
28 performed by a state certified appraiser or state licensed appraiser;

29 “(f) Auctions, offers, attempts or agrees to auction real estate;

30 “(g) Buys, sells, offers to buy or sell or otherwise deals in options on real

1 estate;

2 “(h) Engages in management of rental real estate;

3 “(i) Purports to be engaged in the business of buying, selling, exchanging,
4 renting or leasing real estate;

5 “(j) Assists or directs in the procuring of prospects, calculated to result
6 in the sale, exchange, leasing or rental of real estate;

7 “(k) Assists or directs in the negotiation or closing of any transaction
8 calculated or intended to result in the sale, exchange, leasing or rental of
9 real estate;

10 “(L) Except as otherwise provided in ORS 696.030 (12), advises, counsels,
11 consults or analyzes in connection with real estate values, sales or dispo-
12 sitions, including dispositions through eminent domain procedures;

13 “(m) Advises, counsels, consults or analyzes in connection with the ac-
14 quisition or sale of real estate by an entity if the purpose of the entity is
15 investment in real estate; or

16 “(n) Performs real estate marketing activity as described in ORS 696.600.

17 “(18) ‘Property management agreement’ means a written contract for the
18 management of rental real estate between a real estate property manager and
19 the owner of the rental real estate.

20 “(19) ‘Real estate’ includes leaseholds and licenses to use including, but
21 not limited to, timeshare estates and timeshare licenses as defined in ORS
22 94.803, as well as any and every interest or estate in real property, whether
23 corporeal or incorporeal, whether freehold or nonfreehold, whether held
24 separately or in common with others and whether the real property is situ-
25 ated in this state or elsewhere.

26 “(20) ‘Real estate broker’ means an individual who holds an active license
27 as a real estate broker issued under ORS 696.022.

28 “(21) ‘Real estate licensee’ means an individual who holds an active li-
29 cense or an active limited license as a real estate broker, principal real es-
30 tate broker or licensed real estate property manager.

1 “(22) ‘Real estate property manager’ means a real estate licensee who
2 engages in the management of rental real estate and is a licensed real estate
3 property manager, a principal real estate broker or a real estate broker who
4 is associated with and supervised by a principal real estate broker.

5 “(23) ‘Registered business name’ means a name registered with the Real
6 Estate Agency under which the individual registering the name engages in
7 professional real estate activity.

8 **“SECTION 11.** ORS 696.581 is amended to read:

9 “696.581. (1) An escrow agent may not accept funds, property or docu-
10 ments in any escrow transaction without dated, written escrow instructions
11 from the principals to the transaction or a dated executed agreement in
12 writing between the principals to the transaction.

13 “(2) Except as provided in this section, an escrow agent must follow
14 dated, written escrow instructions executed by the principals or a dated ex-
15 ecuted written agreement between the principals to a transaction.

16 “(3) Except as provided in ORS 314.258, an escrow agent may not close
17 an escrow or disburse any funds or property in an escrow without obtaining
18 dated, separate escrow instructions in writing from the principals to the
19 transaction adequate to administer and close the transaction or, in the case
20 of disbursement, to disburse the funds and property.

21 “(4) The following statement or its substantial equivalent shall appear on
22 or be attached to all written escrow instructions prepared by an escrow
23 agent for signature of the principals to a transaction. The statement shall
24 be in at least 10-point bold type. The statement shall either appear imme-
25 diately above the signatures of the principals or be separately initialed by
26 the principals:

27 “ _____

28 It is understood by the parties signing the above or attached instructions
29 that the instructions are the complete instructions between this firm as an
30 escrow agent and you as a principal to the escrow transaction. These in-

1 instructions may not include all the terms of the agreement which is the sub-
2 ject of this escrow. Read these instructions carefully, and do not sign them
3 unless they are acceptable to you.

4 “ _____
5 “(5) An escrow agent may not solicit or accept any original, amended or
6 supplemental escrow instructions containing any blank to be filled in after
7 signing. An escrow agent may not allow any alteration of original, amended
8 or supplemental escrow instructions, unless the alteration is signed or ini-
9 tialized by all principals who signed or initialed the instructions before the
10 alteration.

11 “(6) An escrow agent may accept trust funds, in excess of earnest money
12 required in transaction documents to be held, as individual funds of the
13 principal who has paid them into escrow. Such individual trust funds may
14 be disbursed with only the separate written instructions of the principal who
15 deposited the funds into escrow.

16 “(7) An escrow agent may open a one-sided escrow, as defined by rule by
17 the Real Estate Commissioner, by receiving the funds, property or documents
18 for an escrow. Such escrow funds may be disbursed with only the separate
19 written instructions of the principal who deposited the funds into escrow.

20 “(8) Except as authorized in ORS 105.475 **and section 5 (4) of this 2023**
21 **Act**, notwithstanding the requirement for dated, separate escrow instructions
22 to close an escrow or disburse funds or property in an escrow, an escrow
23 agent:

24 “(a) May disburse earnest money deposited based on an agreement of the
25 parties executed after the initial sales agreement; and

26 “(b) May not impose additional requirements on the principals to the
27 transaction, including a requirement that the principals sign a release of li-
28 ability in favor of the escrow agent.

29 “(9) Notwithstanding any provision of this section, an escrow agent may
30 disburse funds, property or documents deposited in escrow in accordance

1 with an order of a court of competent jurisdiction.

2 **“SECTION 12.** ORS 696.730 is amended to read:

3 “696.730. Any court of competent jurisdiction, including a justice court,
4 has full power to hear any violation of ORS 696.010 to 696.495, 696.600 to
5 696.785, 696.800 to 696.870 and 696.995 by an individual licensed under ORS
6 696.022, **and sections 1 to 9 of this 2023 Act**, and, upon finding a violation,
7 the court may, at its discretion and in addition to the other penalties im-
8 posed, revoke the license of the individual found to have violated any pro-
9 vision of ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and
10 696.995 **and sections 1 to 9 of this 2023 Act**. The clerk of the court shall
11 forward a copy of any order revoking a real estate license to the Real Estate
12 Commissioner.

13 **“SECTION 13. Sections 1 to 9 of this 2023 Act and the amendments**
14 **to ORS 696.010, 696.581 and 696.730 by sections 10 to 12 of this 2023 Act**
15 **apply to contracts entered into on or after the effective date of this**
16 **2023 Act.**

17 **“SECTION 14. The section captions used in this 2023 Act are pro-**
18 **vided only for the convenience of the reader and do not become part**
19 **of the statutory law of this state or express any legislative intent in**
20 **the enactment of this 2023 Act.”.**

21

**REAL ESTATE BOARD
ADMINISTRATIVE SERVICES DIVISION REPORT
April 3, 2023**

Administrative Services Manager: Mesheal Heyman

Accountant: Caty Karayel

Systems Administrator: Tiffani Miller

Program Analyst: Rus Putintsev

Helpdesk: Denise Lewis

Section Overview

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

Budget Update

As of the end of January, our projected revenue for the 2021-2023 biennium is still at **\$10.5 million**, with projected expenses at **\$9.2 million**. Our cash balance estimate is **\$6.7 million**.

Revenue/Economic Outlook

The Agency has averaged a monthly surplus of just over **\$60,000** since the start of the biennium.

At the end of February, we had **25,198 licensees**. This number has remained steady since December.

Communications

We continue to prepare to move our website to a new SharePoint platform.

After the conclusion of the legislative session, we will provide a round-up in the Oregon Real Estate News-Journal of the laws passed that affect real estate licensees.

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

Budget Codes		21-2023 LAB	Expected Total Expenditures for Biennium (current)	Expected Remaining Limitation at end of Biennium
	Total Personal Services	7,514,785	7,427,540	87,245
4100 & 4125	In-State Travel & Out-of-State Travel	103,008	42,240	60,768
4150	Employee Training	38,585	47,776	(9,191)
4175	Office Expenses	56,611	75,433	(18,822)
4200	Telecom/Tech Services & Support	67,400	71,204	(3,804)
4225	State Government Services	336,730	364,411	(27,681)
4250	Data Processing	113,997	95,121	18,876
4275	Publicity & Publications	38,297	6,502	31,795
4300 & 4315	Professional Services & IT Professional Services	348,043	198,057	149,986
4325	Attorney General Legal Fees	330,963	371,414	(40,451)
4375	Employee Recruitment	8,081	250	7,831
4400	Dues & Subscriptions	9,987	6,943	3,044
4425	Facilities Rent & Taxes	265,559	252,289	13,270
4475	Facilities Maintenance	4,713	8,453	(3,740)
4575	Agency Program Related S&S	942,499	804,125	138,374
4650	Other Services & Supplies	4,097	183,511	(179,414)
4700	Expendable Property \$250-\$5000	30,401	7,211	23,190
4715	IT Expendable Property	149,523	47,708	101,815
	Total Services & Supplies	2,848,494	2,582,648	265,846
	Totals	10,363,279	10,010,189	353,090

**REAL ESTATE BOARD
EDUCATION & LICENSING DIVISION REPORT
April 3, 2023**

Education & Licensing Manager: Madeline Alvarado
Compliance Specialist: Tami Schemmel, Nenah Darville, Katie Nash
Administrative Specialist: Elizabeth Hardwick, Kaely Salem, Rick Marsland

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

The Division has hired/promoted Rick Marsland into the vacant Administrative 2 position.

Education Update

Three providers have submitted BAP courses for review, one of which has been approved.

Licensing Update

For the month of February, complaint processing averaged 14 days.

Upcoming

Reminder: The Agency would like to remind the Board we'll begin creating the new 2024-2025 LARRC outline this summer.

RBN Renewal

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<u>Eligible to Renew</u>	414	321										
<u>Failed to Renew</u>	13	13										
<u>% Renewed</u>	97%	96%										

Licensing Statistics

Total Licensee Counts by Month:

Individuals (Persons)	Jan-23	Feb-23
Broker – Total	17,927	17,906
Active	16,092	16,004
Inactive	1,835	1,902
Principal Broker - Total	6,292	6,289
Active	5,891	5,889
Inactive	401	400
ALL BROKERS Total	24,219	24,195
Active	21,983	21,893
Inactive	2,236	2,302
Property Manager - Total	973	983
Active	859	870
Inactive	114	113
MCC Salesperson	21	20
MCC Broker	0	0
TOTAL INDIVIDUALS	25,213	25,198
Active	22,863	22,783
Inactive	2,350	2,415
Facilities (Companies)		
REMO	5	5
Registered Business Name (RBN)	3,765	3,774
Registered Branch Office (RBO)	799	794
Escrow Organization	84	86
Escrow Branch	168	168
Condominium Filing (CO)	362	374
Unit Owners Association	837	829
Pre-License Education Provider (PEP)	26	26
CEP	279	283
MCC Operator	25	25
TOTAL FACILITIES	6,350	6,364
TOTAL INDIVIDUALS & FACILITIES	31,563	31,562

New Licenses by Month:

Individuals (Persons)	Jan-23	Feb-23
Broker	128	123
Principal Broker	19	27
TOTAL BROKERS	147	150
Property Manager	8	21
MCC Salesperson	2	0
MCC Broker	0	0
TOTAL INDIVIDUALS	157	171
Facilities (Companies)		
Continuing Education Provider (CEP)	6	5
REMO	0	0
Registered Business Name	39	45
Registered Branch Office	5	10
Escrow Organization	1	1
Escrow Branch	5	0
Condominium Filing	0	0
Unit Owners Association	8	8
Pre-License Ed Provider	0	0
MCC Operator	0	0
TOTAL FACILITIES	58	64
TOTAL INDIVIDUALS & FACILITIES	215	235

Exam Statistics

February 2023

ALL LICENSING EXAMS Total

Broker	380
Property Manager	29
Principal Broker	65
Reactivation	1

Pass Rates

<i><u>First Time Pass Rate</u></i> <i><u>Percentage</u></i>	<i><u>2019</u></i>	<i><u>2020</u></i>	<i><u>2021</u></i>	<i><u>2022</u></i>	<i><u>2023</u></i>
Broker State	57	50	47	44	40
Broker National	70	68	67	66	60
Principal Broker State	51	53	57	54	63
Principal Broker National	69	63	55	65	56
Property Manager	64	58	66	65	71

Oregon Real Estate Agency Education & Licensing Division
Licensee Application & Renewal 2023 Data

New Applications													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Brokers	262	211											473
Principal Brokers	37	24											61
Property Managers	26	26											52
Total	325	261											586

Renewal Activity														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	482	509											991
	Inactive	42	28											70
Late	Active	74	48											122
	Inactive	12	8											20
Lapse		111	104											215
Total		721	697											1418

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	206	175											381
	Inactive	20	12											32
Late	Active	13	6											19
	Inactive	2	3											5
Lapse		21	27											48
Total		262	223											485

Oregon Real Estate Agency Education & Licensing Division
Licensee Application & Renewal 2023 Data

Property Managers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	35	29											64
	Inactive	3	1											4
Late	Active	3	2											5
	Inactive	2	1											3
Lapse		5	5											10
Total		48	38											86

Grand Total (Brokers, Principal Brokers, Property Managers)														
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Total Eligible to Renew		1031	958											1989
On Time	Active	723	713											1436
	Inactive	65	41											106
Late	Active	90	56											146
	Inactive	16	12											28
Total Renewed		894	822											1716
Lapse		137	136											273

% On Time		76.4%	78.7%	%	%	%	%	%	%	%	%	%	%	77.5%
% Late		10.3%	7.1%	%	%	%	%	%	%	%	%	%	%	8.7%
% Failed to Renew (Lapsed)		13.3%	14.2%	%	%	%	%	%	%	%	%	%	%	13.7%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Oregon Real Estate Agency Education & Licensing Division
Licensee Application & Renewal 2022 Data

New Applications													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Brokers	398	336	412	318	291	292	226	268	294	227	205	187	3454
Principal Brokers	47	32	42	25	22	23	33	28	28	25	32	18	355
Property Managers	20	35	30	33	23	21	23	22	29	25	32	15	308
Total	465	403	484	376	336	336	282	318	351	277	269	220	4117

Renewal Activity														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	491	517	535	527	608	569	559	569	571	571	500	533	6550
	Inactive	49	40	36	36	49	32	36	34	31	43	32	44	462
Late	Active	44	42	60	50	66	52	52	64	54	59	67	49	659
	Inactive	13	10	6	13	12	10	7	9	11	7	10	13	121
Lapse		128	104	123	107	120	117	131	90	141	94	127	109	1391
Total		725	713	760	733	855	780	785	766	808	774	736	748	9183

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	221	238	230	232	247	254	201	232	264	223	202	210	2754
	Inactive	9	8	7	8	12	11	13	10	7	7	13	9	114
Late	Active	11	10	13	13	14	9	8	11	8	7	12	6	122
	Inactive	2	1	4	1	2	1	1	2	2	2	5	2	25
Lapse		24	19	21	18	21	26	18	25	26	39	19	29	285
Total		267	276	275	272	296	301	241	280	307	278	251	256	3300

Oregon Real Estate Agency Education & Licensing Division

License Application & Renewal 2022 Data

Property Managers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	28	26	25	16	35	30	34	29	32	28	21	29	333
	Inactive	2	3	1	0	2	0	2	0	2	0	2	5	19
Late	Active	3	3	1	3	3	3	3	2	0	1	2	3	27
	Inactive	1	0	0	1	1	0	1	0	0	0	0	0	4
Lapse		11	8	6	11	6	7	8	9	11	9	9	6	101
	Total	45	40	33	31	47	40	48	40	45	38	34	43	484

Grand Total (Brokers, Principal Brokers, Property Managers)														
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Total Eligible to Renew		1037	1029	1068	1036	1198	1121	1074	1086	1160	1090	1021	1047	12967
On Time	Active	740	781	790	775	890	853	794	830	867	822	723	772	9637
	Inactive	60	51	44	44	63	43	51	44	40	50	47	58	595
Late	Active	58	55	74	66	83	64	63	77	62	67	81	58	808
	Inactive	16	11	10	15	15	11	9	11	13	9	15	15	150
Total Renewed		874	898	918	900	1051	971	917	962	982	948	866	903	11190
Lapse		163	131	150	136	147	150	157	124	178	142	155	144	1777

% On Time		77.1%	80.9%	78.1%	79.1%	79.5%	79.9%	78.7%	80.5%	78.2%	80.0%	75.4%	79.3%	78.9%
% Late		7.1%	6.4%	7.9%	7.8%	8.2%	6.7%	6.7%	8.1%	6.5%	7.0%	9.4%	7.0%	7.4%
% Failed to Renew (Lapsed)		15.7%	12.7%	14.0%	13.1%	12.3%	13.4%	14.6%	11.4%	15.3%	13.0%	15.2%	13.8%	13.7%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Oregon Real Estate Agency Education & Licensing Division Phone Counts													
(Minutes: seconds)	Jan – 23	Feb – 23	Mar – 23	Apr – 23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov--23	Dec-23	2023 Average
Call Count	1642	1368											1505
Average Wait Time	:33	:32											:32.5
Maximum Wait Time	0:11:07	0:11:14											0:11:11

Oregon Real Estate Agency Education & Licensing Division Phone Counts													
(Minutes: seconds)	Jan – 22	Feb – 22	Mar – 22	Apr – 22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov--22	Dec-22	2022 Average
Call Count	1730	1520	1776	1510	1437	1444	1303	1510	1555	1444	1469	1295	1499
Average Wait Time	:33	:23	:45	:33	:35	:36	:42	:58	:50	:36	:29	:43	:39
Maximum Wait Time	0:20:37	0:12:03	0:26:17	0:13:25	0:10:53	0:11:15	0:11:13	0:31:05	0:32:16	0:13:58	0:10:52	0:11:53	0:17:09

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	1510	1477	1407	1426	1662
Average Wait Time	:51	:36	:29	:29	:24	:18	:26	:15	:19	:17	:22	:36	:27
Maximum Wait Time	0:19:17	0:10:52	0:09:59	0:10:43	0:08:58	0:06:37	0:28:56	0:06:49	0:07:45	0:04:46	0:13:37	0:19:12	0:12:18

(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

**REAL ESTATE BOARD
COMPLIANCE DIVISION REPORT
April 3, 2023**

Compliance Specialists 3 (Client Trust Account Coordinator): Liz Hayes

Compliance Specialist 2: Jen Wetherbee

Compliance Specialist 1: Roger McComas

Division Overview

The Compliance Division ensures that licensees meet their fiduciary and administrative responsibilities by reviewing financial and administrative records. This division aims to conduct clients' trust account and compliance reviews and develop other compliance-related programs. This work includes providing technical assistance and sharing knowledge on the interpretation and application of laws and rules administered by the Agency (excluding legal advice) to licensees, the public, and other governmental agencies.

Workload and Activity Indicators

As of 3/10/2023	2015	2016	2017	2018	2019	2020	2021	2022	2023
ELOA	2	2	4	44	79	81	13	55	17
No Violation	356	192	172	375	216	87	10	98	20
Open Investigation	5	3	8	10	29	7	2	13	1
Resolved								72	22
Total Closed	363	197	184	429	324	175	25	238	60

(# of Staff)	4	4	4	5	6	6	1	1-2	2
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2023 (as of 3/10/2023)	January	February	March
ELOA	4	9	4
No Violation	8	9	3
Open Investigation		1	
Resolved	12	5	5
Total Closed	24	24	12
(# of Staff)	2	2	2