



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
Agency Office - Salem, Oregon
June 5, 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 4.3.23, regular meeting minutes
- E. Date of the Next Meeting: 08.07.23 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.

III. REQUESTS FOR WAIVERS - Chair Gonzalez

- A. none

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

- A. none

V. BOARD ADVICE/ACTION - Commissioner Strode

- A. LARRC 2024-2025
- B. [ORS 696.265](#) Recognition of nonresident real estate licensee & [OAR 863-014-0080](#) Nonresident License Recognition

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: 08.07.23 to begin at 10am, Location TBD

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
April 3, 2023
10:00 a.m.

BOARD MEMBERS PRESENT:

Jose Gonzalez
Susan Glen
Alex MacLean
Marie Due
Michael Warren
LaTasha Beal
Kim Hedding
Lawnae 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

CITIZEN:

Barbara Geyer

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 4.3.2023 REGULAR MEETING AGENDA AS SUBMITTED BY MARIE DUE
SECONDED BY PATRICIA IHNAT**

MOTION CARRIED BY UNANIMOUS VOTE

- D. Approval of 2.6.23, regular meeting minutes

**MOTION TO APPROVE 2.6.2023 REGULAR MEETING MINUTES AS SUBMITTED BY LAWNAE HUNTER
SECONDED BY MICHAEL WARREN**

MOTION CARRIED BY UNANIMOUS VOTE

- E. Date of the Next Meeting: 06.05.23 to begin at 10am, Location Oregon Real Estate Agency Office, Salem, Oregon

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 SUSAN GLEN
MOTION CARRIED BY UNANIMOUS VOTE

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

A. Dave Porter

MOTION TO APPROVE BY KIM HEDDINGER
SECONDED BY LATASHA BEAL
MOTION CARRIES WITH UNANIMOUS VOTE

B. Jim Allhiser

MOTION TO APPROVE BY LAWNAE HUNTER
SECONDED BY KIM HEDDINGER
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, Referred to Written Report
3. Administrative Services, Mesheal Heyman
4. Licensing and Education, Referred to Written Report
5. Compliance Division, Liz Hayes

IX. ANNOUNCEMENTS – Chair Gonzalez. Next board meeting: 06.5.23 to begin at 10am, Location Oregon Real Estate Agency Office Salem – 530 Center St NE Suite 100, Salem, Oregon 97301

X. ADJOURNMENT – Chair Gonzalez



Oregon

Kate Brown, Governor

AGENDA ITEM NO.
V.A.

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

Law and Rule Required Course 2022-2023

For courses offered January 1, 2022 to December 31, 2023

OVERVIEW

This document provides the course content for the 3-hour Law and Rule Required Course (LARRC) approved by the Oregon Real Estate Board. All real estate licensees must take and complete LARRC from a certified continuing education provider to meet the requirement to take a 3-hour continuing education course on recent changes in real estate rule and law found in ORS 696.174.

Please note: Real estate licensees renewing active licenses or reactivating licenses on or after July 1, 2022, must complete this specific LARRC containing fair housing content to qualify for renewal or reactivation. ([House Bill 2703, Oregon Laws 2021, Chapter 161](#))

This document will be posted on the Oregon Real Estate Agency's website at www.oregon.gov/rea.

HOW TO OFFER LARRC

A Certified Continuing Education Provider must meet all the [requirements and responsibilities of a LARRC provider](#), including:

- Notifying the Oregon Real Estate Agency by logging in to your eLicense account if you have not done so before.
- Developing your LARRC course using this document.
 - Use the written learning objectives for the required course topics.
 - Write your own learning objectives for the optional topics that you may choose to include in your LARRC course.
- Ensuring that your LARRC course will take each licensee a minimum of 3 hours to complete. A break of no more than 10 minutes per hour of instruction may be allowed.
- Making sure your advertising and certificates of attendance indicate name of the course as the "Law and Rule Required Course 2022-2023." You may also use the abbreviation "LARRC 2022-2023."
- Confirming that you have a completed and signed [Continuing Education Instructor Qualification Form](#) for each instructor teaching the course.
- Maintaining records as required in [OAR 863-020-0055](#).

COURSE CONTENT

The LARRC course content approved by the Oregon Real Estate Board has required course topics and optional course topics.

Required topics

The required topics were developed from changes made to Oregon Revised Statute 696 and Oregon Administrative Rule 863, as well as input from Board, the Oregon Real Estate Agency staff, and other stakeholders. Learning objectives have been provided.

Optional topics

The optional topics were compiled from legislation passed in the 2017 session that the Board determined may have an effect on real estate licensees in Oregon. Additionally, other topics were added that the Board feels may benefit real estate licensees. The topics were developed with input from the Board, the Oregon Real Estate Agency staff, and other stakeholders.

Each continuing education provider is responsible for making sure that learning objectives are developed for each of the optional topics that the provider chooses to include in the LARRC offered by the provider.

Special Interest LARRC Classes

Certified continuing education providers may offer LARRC classes aimed at a specific type of licensee. Such classes must contain the required course topics, but may focus on optional topics approved by the Board that have a particular interest to licensees who manage rental real estate or are responsible for Registered Business Names.

There is no requirement to offer such a course; the decision to offer a special interest LARRC course would be a business decision made by the provider.

A provider who chooses to create such a class must still name it on advertising and the certificates of attendance as "Law and Rule Required Course 2022-2023."

Law and Rule Required Course (LARRC)

Required Topics

Effective January 1, 2022 through December 31, 2023

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

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

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

Overview:

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

Learning Objectives:

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

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

HOUSE BILL 3113

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

Overview:

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

Learning Objectives:

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

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

SENATE BILL 278

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

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

Overview:

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

Learning Objectives:

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

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

SENATE BILL 291

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

Overview:

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

Learning Objectives:

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

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

FEDERAL AND STATE FAIR HOUSING LAWS (IMPLEMENTING HB 2703)

[Fair Housing Act](#)

Overview:

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

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

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

Learning Objectives:

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

- List the federal protected classes.
- Describe the history of discriminatory practices by regulators and industry professionals related to restricted covenants, redlining, blockbusting, and steering that led to the creation of the Fair Housing Act.
- Define blockbusting.
- Define redlining.
- Define steering.
- Define implicit bias.
- Define disparate impact.
- List Oregon's protected classes (source of income, domestic violence survivors, marital status, sexual orientation, and gender identity, see [Oregon Revised Statute \(ORS\) chapter 659A](#), [Oregon Administrative Rule chapter 839](#), and [ORS 90.445](#)) and compare with the federal protected classes.
- Identify when parties are exempt from the Fair Housing Act ([Federal Fair Housing Act Sec. 803\(b\)](#)).
- Describe the real estate property types covered in the Fair Housing Act ([Federal Fair Housing Act Sec. 803](#)).

- Explain fair housing advertising guidelines ([Federal Fair Housing Act Sec. 804\(c\)](#)).
- Understand under what circumstances reasonable accommodations and reasonable modifications are necessary to allow persons with disabilities to enjoy their housing ([Federal Fair Housing Act Sec. 804\(f\)\(3\)](#))
- Understand the laws that govern protections from discrimination against disability at the federal level ([Federal Fair Housing Act Sec. 804](#)).
- Identify prohibited actions involving the sale and rental of housing under the Fair Housing Act ([Federal Fair Housing Act Sec. 804 through 806](#)):
 - **Real Estate Transaction:**
Based on protected classes, an individual subject to fair housing laws, including Oregon real estate licensees, **cannot:**
 - Refuse to sell or negotiate in the sale of housing.
 - Falsely deny that housing is available for an inspection.
 - Make housing unavailable.
 - Indicate any preference, limitation, or discrimination within any statement, advertisement, or published notice.
 - Discourage the purchase of a dwelling.
 - **Property Management:**
Based on protected classes, an individual subject to fair housing laws, including Oregon real estate licensees, **cannot:**
 - Discourage the rental of a dwelling.
 - Refuse to rent or negotiate, in the rental of housing.
 - Make housing unavailable.
 - Set different terms, conditions or privileges for the rental of a dwelling.
 - Provide a person different housing services or facilities.
 - Indicate any preference, limitation or discrimination within any statement, advertisement, or published notice.
 - Threaten, intimidate or interfere with a person's enjoyment of a dwelling. This includes visitors or associates of the tenant.
 - Threaten an employee or agent with firing or other negative action for any legal, non-discriminating, pro-regulatory, effort to help someone rent a unit.
 - Limit privileges, services or facilities of a dwelling.
 - Fail or delay maintenance or repairs.
 - Fail to investigate or address allegations that a tenant or group of tenants is harassing or threatening another tenant.
 - Retaliate against a person who has made a complaint, testified, or in any way assisted with proceedings under the Fair Housing Act.
 - **Rental Screening Process:**
Based on protected classes, an individual subject to fair housing laws, including Oregon real estate licensees, **cannot:**
 - Use different qualification criteria or applications.
 - Use different rental standard or procedures, such as income standards, application fees, credit analyses, or rental approval procedures or other requirements.
- Recognize prohibited actions relating to mortgage lending under the Fair Housing Act (Example: Refuse to make a mortgage loan or provide other financial assistance for a dwelling.).

- Cite contemporary examples of fair housing law violations that make these issues relevant today.
- Understand the two categories that fall under sexual harassment, quid pro quo and hostile environment.
- Recall Oregon Bureau of Labor & Industries (BOLI) is Oregon’s governing agency that reviews complaints, regulates, and assesses civil penalties for fair housing violations.
- Understand that BOLI and the Oregon Real Estate Agency share complaint information and report findings regarding fair housing violations.
- Explain how to submit a fair housing complaint:
 - BOLI, Civil Rights Division ([here](#)).
 - U.S. Department of Housing and Urban Development ([here](#)).

Additional Resources:

U.S. Housing and Urban Development

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

Oregon Bureau of Labor and Industries (BOLI)

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

Fair Housing Council of Oregon

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

Law and Rule Required Course (LARRC)

Optional Topics

Effective January 1, 2022 through December 31, 2023

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

2021 OREGON LEGISLATION

[House Bill 2037](#)

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

[House Bill 2009](#)

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

[House Bill 2534](#)

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

[House Bill 2583](#)

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

[House Bill 2703](#)

Real estate licensees renewing or reactivating a license on or after July 1, 2022, must complete an Oregon Real Estate Board-approved course (Law and Rule Required Course) that includes required topics on state and federal fair housing laws.

[House Bill 2966](#)

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

[House Bill 3030](#)

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

[Senate Bill 8](#)

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

[Senate Bill 282](#)

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

[Senate Bill 458](#)

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

[Senate Bill 765](#)

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

[Senate Bill 829](#)

Reorganizes and clarifies the process for eviction in foreclosure proceedings.

ADDITIONAL OPTIONAL TOPICS

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

ADMINISTRATIVE ACTIONS

Reported

3/8/23 through 5/19/23

REVOCATIONS

Kraskoff, Anna (Woodburn), Broker 201109050, Final Order by Default dated March 20, 2023, issuing a revocation.

SUSPENSIONS

None

REPRIMANDS

Hage, Lucinda I. (Newberg), Property Manager 891000210, Stipulated Final Order dated March 2, 2023, issuing a reprimand.

Ginsbach, Jodie I. (Jefferson), Broker 201221291, Stipulated Final Order dated April 3, 2023, issuing a reprimand.

Rowland, Angela M. (Lake Oswego), Broker 201205805, Stipulated Final Order dated April 3, 2023, issuing a reprimand.

Santiam Escrow, INC, (Stayton), Escrow 850600206, Stipulated Final Order dated April 27, 2023, issuing a reprimand.

CIVIL PENALTIES

Expired

None

Unlicensed Activity

Warner, Christy (Portland), Unlicensed, Default Final Order dated March 20, 2023, issuing a \$250.00 civil penalty.

King, Deborah (Ojai, CA), Unlicensed, Default Final Order dated March 17, 2023, issuing a \$1,500.00 civil penalty.

Real Estate Settlements & Escrow, LLC (Pikesville, MD), Unlicensed, Stipulated Final Order dated April 27, 2023, issuing a \$500.00

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
JODIE IRENE GINSBACH) STIPULATED FINAL ORDER

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

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Ginsbach was licensed as a real estate broker with John L. Scott-SLM.

1.2 On August 10, 2020, the Agency received a complaint from Kassandra Bruhn (Bruhn) against Ginsbach and an investigation was opened.

1.3 Bruhn represented seller David Jefferson (Jefferson) and Joyce Hamel (Hamel) in the sale of 14373 Ananonda Ln SE, Jefferson, OR 97352 (subject property). On April 18, 2020, Bruhn listed the subject property with Jefferson as attorney in fact for Hamel, his mother-in-law. The property was owned by Hamel. Jefferson had Power of Attorney for Hamel.

1.4 Ginsbach represented buyer Rachel Savran (Savran). On April 24, 2020, an offer to purchase the subject property was signed by Savran, with a purchase price of \$470,000, seller to pay up to \$8,200 in closing costs and prepaids and closing to occur no later than May 27, 2020.

1.5 On April 29, 2020, the offer to purchase was accepted and signed by Jefferson. Hamel passed away prior to the offer being signed by Jefferson. Multiple addendums were signed by the parties. Due to Hamel's death, the transaction was required to go through

1 probate court and documentation was needed for the judge for the sale to be completed, which
2 took longer than expected.

3 1.6 Ginsbach prepared a closing cost addendum with the incorrect amount for
4 buyer's closing costs of \$11,272 to be paid by seller.

5 1.7 On July 9, 2020, Ginsbach met with Savran and had her sign the addendum.
6 Ginsbach then sent the addendum signed by Savran, along with an unsigned addendum to
7 Sada Combs, the escrow agent. The unsigned addendum was included with the closing
8 documents provided to Jefferson to sign at closing and was signed by him on July 9, 2020.

9 1.8 Bruhn was not allowed to be with Jefferson at escrow when he signed the closing
10 documents due to COVID-19 pandemic restrictions. Bruhn said she never received a copy of
11 this closing cost addendum to review.

12 1.9 Bruhn first saw the addendum with the incorrect closing cost amount on July 10,
13 2020, when Sada Combs, the escrow agent sent her two copies of it, one signed by Savran
14 and one signed by Jefferson. Previously, Jefferson had agreed to \$5,000 in repair costs and
15 \$1,008 in loan lock fees documented in addendum. Jefferson had verbally stated he was
16 willing to pay for a second loan lock fee since the closing had to be delayed several times due
17 to the probate proceeding.

18 1.10 Bruhn stated she had requested the second loan lock fee information from
19 Ginsbach several times but never received it. Bruhn said she had phone conversations with
20 Ginsbach about the loan lock fees and Ginsbach always indicated she was waiting to get it
21 from the home loan lender. Per Bruhn, she kept asking for it, so she could prepare an
22 addendum with the second loan lock fee amount so the parties could sign it prior to closing.

23 1.11 Ginsbach admitted she failed to return calls or emails to Bruhn about the loan
24 lock costs because the home lender was not providing that information. Per Ginsbach, if she
25 didn't have the information someone was asking for, she would not contact them until she had
26 the information. Ginsbach said she could improve in this area.

27
28 **(1) Conclusion of Law:** By failing to return calls or emails to seller's agent Bruhn relating
29 to the loan lock information for the subject property transaction Ginsbach violated ORS
30 696.301(3) as it incorporates ORS 696.810(2)(b),(3)(a),(c) (2019 Edition)

1 1.12 Per Ginsbach, Mandi Stephens, who worked for the buyer's lender provided the wrong
2 information a few times during the transaction, and Stephens mixed up Savran's loan with
3 another loan which resulted in her providing the wrong figures. Ginsbach relied upon Stephens
4 to provide her with the right amounts for the closing costs to be paid by the seller, so she
5 accepted the \$11,272 (\$7,772 was the correct amount of closing costs to be paid by Jefferson,
6 which consisted of \$5,000 for repairs and extension locks) and prepared the addendum with
7 that amount as the seller paid closing costs.

8 1.13 Once Bruhn saw the incorrect closing cost addendum, she informed Combs and
9 Ginsbach they should hold off on funding until the seller paid closing costs issue was resolved.

10 1.14 Ginsbach admitted she did not send the addendum to Bruhn to review with
11 Jefferson prior to him signing it and knows she should have sent it to Bruhn.

12 1.15 Per Ginsbach, she felt like she was in a time crunch to get the transaction closed
13 by the July 10, 2020, closing date which contributed to her not sending the addendum to Bruhn
14 first.

15 **(2) Conclusion of Law:** By sending a closing cost addendum for the subject property with
16 a new amount of \$11,272.00, (an increase of \$3500.00) to escrow agent Combs without
17 copying or otherwise notifying Bruhn prior to closing, Ginsbach violated ORS 696.301(7) and
18 ORS 696.301(3) as it incorporates ORS 696.810(2)(a),(b) (2019 Edition).

19 1.16 On July 10, 2020, Ginsbach wrote a corrected closing cost addendum. The
20 addendum stated the seller would not be contributing \$11,272 to buyer's closing cost and
21 instead would be contributing \$7,772 towards the buyer's closing costs.

22 1.17 All of the above demonstrate incompetence or untrustworthiness in performing
23 any act for which the real estate licensee is required to hold a license and conduct that is
24 below the standard of care for the practice of professional real estate activity in Oregon.

25 **(3) Conclusion of Law:** Based on the foregoing, Licensee is subject to discipline under
26 ORS 696.301(12) and (15) (2019 Editions)

27 ///

28 ///

29 ///

30 ///

1 2.

2 2.1 The forgoing violations are grounds for discipline pursuant to ORS 696.301.

3 2.2 The Agency reserves the right to investigate and pursue additional complaints
4 that may be received in the future regarding the licensee.

5 2.3 In establishing the violations alleged above, the Agency may rely on one or more
6 of the definitions contained in ORS 696.010.

7 3.

8 STIPULATION AND WAIVER

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

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

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

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ORDER

IT IS HEREBY ORDERED that Jodie Ginsbach's broker license be, and hereby is reprimanded.

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:
Jodie Ginsbach
F743F40F9C3B432...

JODIE IRENE GINSBACH

DocuSigned by:
Steven Strode
E2C2D0097AD8471...

STEVEN STRODE



4/3/2023 | 6:46 PM PDT
Date _____

Real Estate Commissioner
Date 4/4/2023 | 8:51 AM PDT _____

Date of Service: 04/04/2023 _____

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

LUCINDA IRENE HAGE

STIPULATED FINAL ORDER

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

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Hage was licensed as a principal broker with Coldwell Banker Professional Group (CBPG).

1.2 On May 26, 2022, Hage was notified that her clients' trust account ending in 0066 (CTA #0066), which held owner funds, had been selected for a reconciliation review. Hage 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 November 8, 2022, Agency Investigator, Cidia Nañez (Nañez) requested Hage provide an update on the outstanding items from the March 2022 CTA 006 Review (CTA Review) specifically, the owner ledger balances, two of which had negative balances, the sum of all owner ledger balances did not match the bank statement balance and an explanation for the funds being held in the account belonging to CBPG.

1.4 On February 7, 2023, Nañez asked Hage via email how the property owners had been notified of their final accounting. On February 15, 2023, a response was received from Julie Adams (Adams) stating they either mailed or emailed the final statements to the owners. Unfortunately, they no longer had access to that email account.

1 1.5 In the February 15, 2023, email Adams provided the owner ledger balances and
2 noted that there were still some corrections to be made. Adams also provided Rental Owner
3 Statements, cancelled checks, and bank statements. A review of the owner ledgers shows that
4 they were different than the balances provided during the CTA Review. All amounts that
5 Adams claimed were final disbursements to owners, were reflected in the rental owner
6 statements, except for the Gardner property.

7 1.6 In response to the February 15, 2023, email Nañez asked Adams if CBPG was
8 holding security deposits for their property owners. Adams said they did hold security deposits
9 and they were returned to the tenant or transferred to the owner. Adams claimed to have
10 provided cancelled checks for the returned security deposits, however, in review of the
11 supporting documents provided, cancelled checks were only provided for three properties and
12 no supporting documentation was found for the remaining properties.

13 1.7 On March 14, 2023, Adams wrote in an email that she had worked with their
14 software provider to make correcting entries to balance the accounts. In reference to the
15 Gardner property (referenced in 1.5 above), she wrote “\$600 Security Deposit was never
16 transferred to CTA after being earned by unpaid rent on August (sic) of 2021.”

17 **(1) Conclusion of Law:** By not transferring security deposit funds totaling \$600 from the
18 security deposit CTA to the CTA holding rents/owner funds, Hage violated ORS 696.301(3) as
19 it incorporates ORS 696.890(4)(e) (2019 Edition).

20 1.8 In the February 15, 2023, email, Adams wrote that the Gardner correcting entry
21 resulted in a surplus for that property and that the surplus was used to pay property
22 management fees for this owner that had previously gone unpaid for March of 2022.

23 **(2) Conclusion of Law:** By not disbursing earned management fees from the clients’ trust
24 account at least once each month unless a different schedule of disbursement is specified in
25 the property management agreement, Hage violated ORS 696.301(3) and its implementing
26 rule OAR 863-025-0027(6) (2020 Edition).

27 1.9 Adams stated the correcting entry made for the Sylvan property resulted in a
28 positive balance of \$50 in CTA #0066. Adams explained, “A PM fee of \$80 as earned on
29 12/19/19 & late fee of \$50 on 7/5/2020 but neither were deducted or paid to Coldwell Banker
30

1 Professional Group, so I recorded the \$50 fee and this zeroed out the balance in the CTA for
2 this property.

3 **(3) Conclusion of Law:** By holding funds belonging to CBPG in CTA #0066 Hage violated
4 ORS 696.301(3) as it incorporates ORS 696.241(5) (2019 Edition).

5 1.10 All of the above demonstrate incompetence or untrustworthiness in performing
6 any act for which the real estate licensee is required to hold a license and conduct that is
7 below the standard of care for the practice of professional real estate activity in Oregon.

8 **(4) Conclusion of Law:** Based on the foregoing, Licensee is subject to discipline under
9 ORS 696.301(12) and (15) (2019 Edition).

10 2.

11 2.1 The forgoing violations are grounds for discipline pursuant to ORS 696.301

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

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

16 4.

17 STIPULATION AND WAIVER

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

29 I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and
30 understand that the Order which follows hereafter, which I have also read and understand,

1 may be completed and signed by the Real Estate Commissioner or may be rejected by the
2 Real Estate Commissioner. I further understand that, in accordance with the provisions of
3 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News
4 Journal.

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

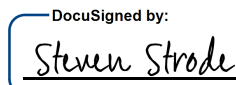
8 ORDER

9 IT IS HEREBY ORDERED that Lucina Hage’s principal broker license be, and hereby is
10 reprimanded.

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12
13 IT IS SO STIPULATED:

IT IS SO ORDERED:

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15 DocuSigned by:
16 
17 FE161ECAB4BD4CB...
LUCINDA IRENE HAGE

DocuSigned by:

E2C2D0097AD8471...
STEVEN STRODE



Real Estate Commissioner

18
19 Date 4/27/2023 | 9:46 AM PDT

Date 4/27/2023 | 10:50 AM PDT

20
21 Date of Service: 04/27/2023

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional
Real Estate Activity of

DEBORAH KING

FINAL ORDER BY DEFAULT AND ORDER
TO CEASE AND DESIST

PROCEDURAL HISTORY AND PROCEDURAL LAW

1.

1.1 On July 6, 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 King’s last known address of record with the Agency (4607 Lakeview Canyon Rd Ste 583, Westlake Village, CA 91361). The *Notice of Intent* was also sent by certified mail to (276 Running Ridge Trail, Ojai, CA 93023). The *Notice of Intent* was also mailed to King by regular first-class mail to the above address. And the *Notice of Intent* was also emailed to King at her email address of record.

1.2 In response to the emailing of *The Notice of Intent* to King’s email address of record, King replied on July 14, 2022, stating, “Please be advised we, myself and my partner, Eric Gignoux, request a hearing in this matter”.

1.3 On August 11, 2022, the Agency issued, by first-class mail, a *Notice of Hearing Referral Packet*. The Agency sent the *Notice of Hearing Referral* to 4607 Lakeview Canyon Rd Ste 583, Westlake Village, CA 91361 and the *Notice of Hearing Referral* was also emailed to King at her email address of record. Neither the first-class mailing nor the email was returned to the Agency as undeliverable.

1.4 OREA file was forwarded to the Office of Administrative Hearings. A hearing date was set for February 22, 2023, at 9:00 AM. King did not appear at the hearing, nor did King notify the Agency or the Office of Administrative Hearings that King would 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 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 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 King's last known address of record with the Agency was 4607 Lakeview Canyon Rd Ste 583, Westlake Village, CA 91361.

2.3 A certified mailing of the notice of intent was mailed to King at King's last known address of record on July 6, 2022. The certified mailing of the notice has not been returned to the Agency. The notice was also mailed to another possible address for King at 276 Running Ridge Trail, Ojai, CA, 93023. This certified mailing has been returned to the Agency as return to sender, refused and unable to forward.

2.4 The notice was also mailed regular first-class mail to both of the above possible addresses for King. The first-class mailing to King's last known address of record has not

been returned to the Agency. The first-class mailing to 276 Running Ridge Trail, Ojai, CA 93023 has been returned to the Agency as return to sender, not deliverable as addressed and 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.

2.5 As noted in paragraph 9 of the *Notice of Intent to Assess a Civil Penalty and Order to Cease and Desist* 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 King 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, King was not licensed to conduct professional real estate activity in Oregon.

3.2 On January 20, 2022, the Agency received a complaint against King. The Agency opened an investigation. A LoopNet listing for an Oregon property, 3250 Beach Loop Dr-Windermere on the Beach, Bandon, Oregon (subject property), accompanied the complaint. The listing showed Deborah King and Eric Gignoux with Western Hotel Brokers, Inc, 4607 Lakeview Canyon, Suite 583, Westlake Village, CA, 91361 displayed for the contact information. The Executive Summary section noted in part, "Western Hotel Brokers, as the sole exclusive agent, offers for sale this fantastic 25-unit inn on the Oregon coast."

3.3 According to the California Department of Real Estate, King holds an active broker license in California. The office address associated with King's license is 4607 Lakeview Canyon Rd #583, Westlake Village, California 91361. Western Hotel Brokers is listed as a corporation with Deborah King as the designated officer.

3.4 On March 3, 2022, a review of LoopNet's advertisement still showed the subject property's listing. The contact person listed was Deborah King (805) 425-2880. Under the Executive Summary section, it noted in part, "Deborah King, Esq., offers for sale this fantastic 25-unit inn on the Oregon coast."

3.5 As of April 14, 2022, a review of the LoopNet website indicated King still advertised the subject property through Western Hotel Brokers.

3.6 As of April 14, 2022, a review of the Western Hotel Brokers' website showed the subject property was still advertised for sale by King through Western Hotel Brokers.

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)(d)(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; (d) Lists, offers, attempts or agrees to list real estate for sale; (i) purports to be engaged in the business of buying, selling, exchanging, renting or leasing real estate; (j) assists or directs in the procuring of prospects, calculated to result in the 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 King engaged in unlicensed professional real estate activity.

5.2 King had the expectation or promise of receiving or collecting compensation for the professional real estate activity performed.

5.3 King's actions constitute grounds to impose a civil penalty for each violation per ORS 696.990(4)(a) and (b) and ORS 696.990(5), 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 King is in default.

6.2 The material facts establish grounds to impose civil penalties, by preponderance of the evidence, under ORS 696.990(4)(a) and (b) and ORS 696.990(5), 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.

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

(1) **Violation:** By advertising the subject property on LoopNet.com, King engaged in professional real estate activity as defined in ORS 696.010(17)(b)(d)(i)(j), without an active Oregon real estate license, in violation of ORS 696.020(2) (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.

(2) **Violation:** By advertising the subject property on Western Hotel Brokers' website, King engaged in professional real estate activity as defined in ORS 696.010(17)(b)(d)(i)(j), without an active Oregon real estate license, in violation of ORS 696.020(2) (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, King immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(17)(a)-(n) (2021 Edition) unless King 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 violations set forth above, King pay civil penalties as follows:

\$500 civil penalty for violation 1 above as the first offense

\$1000 civil penalty for violation 2 above as the second offense.

The total sum of civil penalties King must pay is \$1,500, to be paid to the General Fund of the State Treasury by paying the same to the Agency.

Dated this 17th day of March, 2022.

OREGON REAL ESTATE AGENCY

DocuSigned by:
Steven Strobe
E2C2D0097AD8471...



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 AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

ANNA A KRASKOFF

FINAL ORDER BY DEFAULT

PROCEDURAL HISTORY

1.

1.1 On October 21, 2021, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to revoke* the real estate broker's license of Anna Kraskoff (Kraskoff). The Real Estate Agency (Agency) sent the *Notice of Intent* to Kraskoff's two last known addresses of record with the Agency (PO Box 567, Woodburn, OR 97071 and 8370 Redwood Ln NE, Woodburn, OR 97301). The *Notice of Intent* was also mailed to Kraskoff by regular first-class mail to both of the above addresses in a handwritten envelope. And the notice of intent was also emailed to Kraskoff' at her email address of record.

1.2 On October 27, 2021, the Agency received the certified return receipt from the October 21, 2021, mailing to 8370 Redwood Ln NE, Woodburn, OR 97301. The receipt showed a delivery date of October 25, 2021, and was signed by Kraskoff. The certified mailing to PO Box 567, Woodburn, OR 97071 was returned to the Agency as unclaimed, unable to forward, return to sender. The mailings in the handwritten envelopes were not returned to the Agency.

1.3 The email was not returned as undeliverable. And per DocuSign Certificate of Completion, the *Notice of Intent* document was viewed by Kraskoff at 1:58PM on October 28, 2021.

1.4 By email dated November 16, 2021, Kraskoff requested a hearing in this matter.

1.5 OREA file was forwarded to the Office of Administrative Hearings. A hearing date was set for December 13, 2022 through December 14, 2022 at 9:00 AM.

1 **FINDINGS OF FACT**

2 3.

3 3.1 At all times mentioned herein, Kraskoff was licensed as a real estate broker.
4 Kraskoff's license has been associated with several registered business names during the
5 events described below.

6 3.2 On January 3, 2017, the Agency received an inquiry from the Social Security
7 Administration Office of the Inspector General. An investigation was opened and assigned
8 case number 2017-5.

9 3.3 On June 30, 2020, the Agency received a complaint from Jeff Seeber against
10 Kraskoff. A separate investigation was opened in regard to this complaint and assigned case
11 number 2020-206.

12 **Facts Related to Case #2017-5 Investigation:**

13 3.4 On January 4, 2017, Vallerie Bush, with Regional Multiple Listing Service
14 (RMLS) confirmed Kraskoff had listings and closed transactions from 2014 to 2017. During this
15 period, Kraskoff's license had been affiliated with three registered business names (RBN):
16 Real Estate Auctions.com, Artisan Realty Group, and Premier Property Group.

17 3.5 Agency records show that RBN RealEstate Auctions.com had been in void status
18 since November 16, 2016. Kraskoff had been a broker with this RBN from December 23, 2013
19 through August 12, 2014. In a phone interview on March 1, 2017, Kraskoff explained she
20 worked at RealEstateAuctions.com from approximately August 2014 to July 2015. Kraskoff
21 reported a total of 12 closed transactions during her time at RealEstate Auctions.com.

22 3.6 Kraskoff had been a broker with Artisan Realty LLC from August 12, 2014
23 through April 3, 2015. This RBN was closed effective February 28, 2017. In her interview
24 Kraskoff mentioned, regarding her switch from REalEstateAuctions.com to Artisan, that she
25 had short notice to move her license and it "was stressful because I had active transactions at
26 the time."

27 3.7 Kraskoff reported four of her transactions closed while working under Artisan
28 Realty.

29 3.8 Kraskoff's license was associated with Premier Property Group (PPG) effective
30 April 3, 2015. David Tangvald, Principal Broker PPG, provided Kraskoff's income data for

1 commissions earned while working under that RBN. Documents indicated that all income had
2 been reported under Kraskoff's social security number SSN1.

3 3.9 Documentation and reports provided from Kraskoff, escrow documents and PPG
4 displayed the following earnings for Kraskoff

- 5 • 2014 commissions estimated at \$73,523.00
- 6 • 2015 income reported to IRS as \$141,720.90
- 7 • 2016 income reported to IRS as \$165,818.77

8 3.10 Kraskoff was assigned two social security numbers (SSN1 and SSN2) by the
9 Social Security Administration (SSA) as a child. Her parents completed the applications for
10 these numbers using two variations of the family name: "Sharipoff" for SSN1 and "Sharipoff"
11 for SSN2.

12 3.11 As an adult, Kraskoff did not inform SSA that she had obtained and was actively
13 using two different social security numbers. She used both numbers for different purposes.
14 SSN1 was used on her employment documents for wage reporting to the IRS. SSN2 was used
15 to apply for and collect, benefits from various federal agencies.

16 3.12 A lump sum payment of \$39,082 had been reported to the IRS from Artisan
17 Realty Group during the 2014 tax year for SSN1. The payee was listed as Anna Kraskoff and
18 the payer was Artisan Realty Group of Sisters, Oregon.

19 3.13 When asked about her employment with Artisan, Kraskoff told the SSA, "I have
20 no idea who they are." Additionally, Kraskoff did not report her home to SSA which is an asset
21 in determining eligibility for SSA programs.

22 3.14 During a phone call on January 11, 2017, Clayton Teel, Investigator with Oregon
23 Department of Human Services, notified the Agency that the Kraskoff family was receiving
24 Medicaid benefits administered through the Oregon Health Plan. Benefits were awarded based
25 off of reported financial need. Regarding these benefits, on November 3, 2014, Kraskoff
26 submitted an application for Oregon Health Plan benefits based on reported family income of
27 less than \$3,211 per month.

28 3.15 In September 2016, Kraskoff submitted to DHS an application for Oregon Health
29 Plan benefits. The application contained the following:

- 30 • On page 2, Kraskoff reported her social security number as SSN2.

1 • On page 11, Kraskoff reported her husband Evan Kraskoff as the income source in
2 their household.

3 • Page 12 provided an area to report other income. Kraskoff wrote "N/A."

4 • Page 13 gave the opportunity to report income from other members of the household.
5 Kraskoff wrote "N/A."

6 • Page 20 Kraskoff signed, under penalty of perjury that she provided true answers to all
7 questions and dated the form September 12, 2016.

8 3.16 On January 3, 2018, Kraskoff was indicted on three counts of Theft of
9 Government Funds.

10 3.17 Special Assistant U.S. Attorney, Rachel Sowray (Sowray) was assigned to
11 prosecute Kraskoff's case. Sowray informed the Agency of additional loss to the Department of
12 Education occurring in 2016, when Kraskoff applied for PELL Grant funding for her son. If
13 Kraskoff had reported her income, the educational funds would not have been disbursed.

14 3.18 In February 2018, Sowray provided a summary of the losses the federal
15 agencies sustained as discovered at that time:

16 • Loss to Social Security Administration -\$19,496.50

17 • Loss to Department of Health and Human Services -\$47,605.85

18 • Loss to the U.S. Department of Education -\$5,000.00 (The final judgment ordered
19 restitution of\$16,637.00)

20 3.19 In June 2018, Kraskoff was charged by Superseding Indictment with four counts
21 of Theft of Government funds.

22 3.20 On October 16, 2020, a signed plea agreement was filed with the United States
23 District Court, District of Oregon. In the plea agreement, Kraskoff pled guilty to Count 2 and the
24 government dismissed the remaining counts at sentencing.

25 3.21 On April 13, 2021, the sentencing hearing was held and Kraskoff was convicted
26 of Count 2 of Theft of Government Funds (18 U.S.C § 641). That same day, the Judgment was
27 signed by the judge in the U.S District Court of Oregon. Kraskoff was sentenced to a fine with
28 supervised probation for a term of three years. Restitution was ordered as follows:

29 • \$47,605.85 to DHS

30 • \$19,496.50 to SSA

1 • \$16,637.00 to DOE.

2 Kraskoff did not report this judgment to the Agency.

3 **Facts Related to 2020-206 Investigation**

4 3.22 Complainant Jeff Seeber (Seeber) was the owner of 7515 SW Mapleleaf in
5 Portland (Mapleleaf).

6 3.23 Kraskoff's license was associated with Premiere Property Group (PPG) from
7 November 3, 2015 until July 9, 2020. Her license was moved to EXP Realty, LLC where it
8 remained until October 1, 2021, when her license expired for failure to renew during the month
9 of September 2021. Kraskoff renewed her license late on October 1, 2021, and as of October
10 11, 2021, her license was not associated with a registered business name.

11 3.24 Per the Oregon Secretary of State records, Kraskoff was listed as the registered
12 agent, organizer and sole member of Sun West Designs, LLC (Sun West).

13 3.25 In June 2020, Seeber decided to sell Mapleleaf. Beth Fernandez (Fernandez) of
14 PPG represented Seeber in the sale. It was suggested to do an exclusive listing due to
15 Mapleleaf's condition and Seebers were not ready to list on RMLS.

16 3.26 Initially, Mapleleaf was marketed within the PPG office for \$290,000, but the
17 price was lowered to \$225,000. On June 17, 2020, the same day the price was lowered,
18 Kraskoff submitted a full price all cash offer on behalf of Sun West Designs LLC and/Assigns.
19 According to Fernandez, Kraskoff presented the offer as if she was representing another party.

20 3.27 On June 26, 2020, Fernandez texted Kraskoff to inquire about the earnest
21 money. Fernandez said it was Kraskoff's text response that made her realize Kraskoff was the
22 buyer. Fernandez stated, "That was the first I knew she was actually the buyer. She didn't
23 disclose it anywhere."

24 3.28 The Seebers were upset once they learned that Kraskoff was the buyer. Agency
25 staff interviewed Seeber and asked if he heard or saw any communication that Kraskoff was a
26 principal to the Mapleleaf transaction. Seeber said, "We were totally unaware."

27 3.29 Fernandez texted Kraskoff suggesting she disclose in writing she was a
28 principal. When agency staff interviewed Kraskoff, she stated she did disclose being a
29 principal, and said her disclosure was in conversation with Fernandez and later by text.

1 3.30 On June 19, 2020, Kraskoff texted Fernandez, writing the buyer was a local
2 family who just closed on a sale and were looking to reinvest in a buy and hold rental.

3 3.31 Fernandez stated Kraskoff never said she was the buyer. According to
4 Fernandez, it wasn't until after the offer was submitted that Kraskoff claimed she was the
5 buyer.

6 3.32 During her interview, Kraskoff maintained she was not the initial buyer for
7 Mapleleaf, but that she had an out of state partner investor named Justin.

8 3.33 In her written response to the Agency, Kraskoff did not mention a partner
9 investor. She also failed to disclose that she stepped in as the buyer. Kraskoff wrote in part,
10 "Our full intention was to purchase this property, working with the sellers on their move out
11 timelines. At the end the decision was made that this project was just not for us, there are too
12 many unknowns..."

13 3.34 On June 22, 2020, earnest money was due to be deposited by 5pm per the
14 purchase and sale agreement. No earnest money was deposited on that date.

15 3.35 On June 26, 2020, six days after it was due, Kraskoff deposited the earnest
16 money with escrow.

17 3.36 On June 23, 2020, Kraskoff created a posting on Craigslist.com under the real
18 estate by owner category, offering Mapleleaf for sale.

19 3.37 The Agency issued a Subpoena to Craigslist requesting a full copy of the
20 advertisement and posting record. The phone number and email address shown on the
21 posting record for the Craigslist add match the phone number and email address Kraskoff
22 entered on her license record with the Agency.

23 3.38 When asked during her interview if she knew anything about the Craigslist ad for
24 Mapleleaf, Kraskoff said, "No I don't. I had nothing to do with any of that."

25 3.39 After the offer to purchase, Kraskoff had many long appointments to view
26 Mapleleaf, allegedly to bring contractors by the house. There were multiple appointments for
27 several hours.

28 3.40 Seeber witnessed several well dressed people being brought by the house on
29 two different occasions and there was no indication any of them were contractors. There was
30 no logo or business marking on the vehicles indicating it was related to any business.

1 an act of fraud and dishonest conduct in violation of ORS 696.301(14) (2013 edition).
2 Kraskoff's conduct was substantially related to her fitness to conduct professional real
3 estate activity because she knowingly concealed earnings from professional real estate
4 activity and personal assets, and because she made false statements regarding her
5 own professional real estate business.

- 6 3. By failing to report her earnings from professional real estate activity to the SSA and by
7 falsely attesting on applications for SSA benefits a that the information on her
8 applications was accurate, Kraskoff fraudulently received \$47,505.85 in benefits.
9 Kraskoff's conduct constitutes an act of fraud and dishonest conduct in violation of
10 696.301(14) (2013 and 2015 Edition). Kraskoff's conduct was substantially related to
11 her fitness to conduct professional real estate activity because she knowingly concealed
12 her earnings from professional real estate activity and made false statements on
13 applications for SSA benefits regarding her real estate earnings.
- 14 4. By failing to report her earnings from professional real estate activity to the U.S.
15 Department of Education, Kraskoff fraudulently received \$16,367.00 in Pell grants.
16 Kraskoff's conduct constitutes an act of fraud and dishonest conduct in violation of
17 696.301(14) (2013 and 2015 Edition). Kraskoff's conduct was substantially related to
18 her fitness to conduct professional real estate activity because she knowingly concealed
19 her earnings from professional real estate activity and made false statements on
20 applications for SSA benefits regarding her real estate earnings.
- 21 5. By failing to report her conviction of Theft of Government Funds (18 U.S.C §641) within
22 twenty calendar days, Kraskoff violated ORS 696.301(3) as it incorporates OAR 863-
23 015-0175(1)(a),(b),(c), and OAR 863-015-0175(4); (1-1-21 Edition).
- 24 6. By failing to disclose being a Principal in the transaction on the June 17, 2020, offer to
25 purchase the Mapleleaf property, Kraskoff acted as an agent and undisclosed principal
26 in violation of ORS 696.301(5),(12),(14) and (15) (2019 Editions). Additionally, Kraskoff
27 violated ORS 696.301(3) as it incorporates ORS 696.810(2)(a) (2019 Edition) and OAR
28 863-015-0145(1) (1-1-20 Edition).
- 29 7. Kraskoff communicated to the listing agent on the Mapleleaf transaction that the buyer
30 was a local family. In a written statement to the Agency Kraskoff stated her full intention

1 was to purchase Mapleleaf, yet in a later interview she reported to the Agency the buyer
2 was an individual from another state. By making multiple representations regarding her
3 involvement on the Mapleleaf transaction, Kraskoff violated ORS 696.301(12),(14), and
4 (15) (2019 Editions). She also violated ORS 696.301(3) as it incorporates
5 696.810(2)(a)(c) (2019 Edition). Licensee's statements were made in the course of
6 professional real estate activity and demonstrated dishonest conduct and bad faith in
7 dealing with agents and other principals in the transaction.

8 8. By depositing the earnest money on the Mapleleaf transaction six days after it was due,
9 Kraskoff violated ORS 696.301(12),(14), and(15) (2019 Editions). Kraskoff also violated
10 ORS 696.301(3) as it incorporates 696.810(2)(a) (2019 Edition). Licensee's conduct
11 demonstrated untrustworthiness and lack of good faith in dealing with agents and other
12 principals in the transaction.

13 9. By listing the Mapleleaf property on Craigslist.com and offering it for sale, Kraskoff
14 violated 696.301(1),(4),(6),(12),(14), and (15) (2019 Edition). Kraskoff also violated ORS
15 696.301(3) as it incorporates OAR 863-015-0125(2)(a),(b) (1-1-20 Edition). Kraskoff's
16 conduct created a reasonable probability of damage or injury to a potential buyer
17 because at the time of the Craigslist listing Kraskoff was not the legal owner and did not
18 have a right to transfer title to the property.

19 10. By asking the Seebers to vacate the property so she could get repair bids, but using
20 that time to show the property to prospective buyers, Kraskoff violated ORS
21 696.301(12),(14),(15) (2019 Editions) and ORS 696.301(3) as it incorporates
22 696.810(2)(a)(c) (2019 Edition). Kraskoff's conduct demonstrated dishonesty,
23 untrustworthiness and lack of good faith in dealing with agents and principals in a real
24 estate transaction.

25 11. The material facts established that Kraskoff's conduct resulted in significant damage
26 and injury to multiple agencies that provided benefits to Kraskoff when she
27 misrepresented her earnings in order to obtain those benefits. Kraskoff's conduct in
28 connection with the facts above demonstrated incompetence in the performance of
29 professional real estate activity and dishonestly and fraudulent conduct. Revocation of
30

1 Kraskoff's real estate license is an appropriate sanction under ORS 696.396(2)(c)(A),
2 (B) and (C).


3 12. Licensee is in default for failure to appear at the hearing as scheduled.
4

5 **ORDER**

6 Based on the foregoing, IT IS HEREBY ORDERED that Kraskoff's broker license is
7 revoked. Revocation of Kraskoff's license is appropriate even if one or more of the violations
8 above are reversed or remanded on appeal.
9

10 Dated this 20th day of March, 2023.

11 *OREGON REAL ESTATE AGENCY*

12
13 
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15 DocuSigned by:
16 Steven Strode
17 E2C2D0097AD8471...

18 STEVEN STRODE
19 Real Estate Commissioner
20

21 _____
22 NOTICE OF RIGHT TO APPEAL: You are entitled to judicial review of this Order. Judicial
23 review may be obtained by filing a petition for review within 60 days from the date of service of
24 this order. Judicial review is to the Oregon Court of Appeals, pursuant to the provisions of
25 ORS 183.482.
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REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional
Real Estate Activity of
REAL ESTATE SETTLEMENTS &
ESCROW, LLC

STIPULATED FINAL ORDER AND ORDER
TO CEASE AND DESIST

The Oregon Real Estate Agency (Agency) and Real Estate Settlements & Escrow, LLC (RESE) 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, RESE was not licensed to conduct professional real estate activity in Oregon.

1.2 In October 2022, the Agency received information from the Oregon Division of Financial Regulation that RESE was conducting escrow activity in Oregon without a license. The Agency opened an investigation.

1.3 In 2020, RESE was involved in five refinance transactions on Oregon properties in which RESE was identified as the settlement agent.

1.4 On February 7, 2023, Agency Financial Investigator/Auditor John Moore (Moore) received an email from Moe Kazin (Kazin) that identifies that for each of the five transactions, RESE was the closing coordinator and sent broker/vendor funds and payoff funds. Kazin admitted that money would come to RESE, and it would be held in their escrow account until directed to pay it out.

1
2 **Statement of Law:** ORS 696.511(1) states a person may not directly or indirectly engage in or
3 carry on, or purport to engage in or carry on, within this state, the business of an escrow agent,
4 or act in the capacity of an escrow agent, unless the person holds an active license as an
5 escrow agent under the provisions of ORS 696.505 to 696.590. ORS 696.505(6) defines
6 “escrow agent” as a person who engages in the business of receiving escrows for deposit or
7 delivery and who receives or is promised compensation, whether contingent or otherwise, for
8 or in anticipation of performance. ORS 696.505(5) defines “escrow” as a transaction in which
9 any written instrument, money, evidence of title to real or personal property or other thing of
10 value is delivered, for the purpose of paying an obligation or effecting the sale, transfer,
11 encumbrance or lease of real or personal property, to a person who does not otherwise have a
12 right, title or interest in the real or personal property, to be held by that person as a neutral third
13 party until a specified event happens or a prescribed condition is performed, when the written
14 instrument, money, evidence of title or other thing of value is to be delivered by the neutral
15 third party to a grantee, grantor, promisee, promisor, obligee, obligor, bailee, bailor or any
16 agent or employee of any of them pursuant to the written instructions of the principals to the
17 transaction. ORS 696.590(1)(a)(b) states: (1) Any person who violates ORS 696.511(1) may
18 be required by the Real Estate Commissioner to forfeit and pay to the General Fund of the
19 State Treasury a civil penalty in an amount determined by the commissioner of: (a) Not less
20 than \$500 nor more than \$1,000 for the first offense of unlicensed professional escrow activity;
21 and (b) Not less than \$1,000 nor more than \$3,000 for the second and subsequent offenses of
22 unlicensed professional escrow activity.

23 **Conclusion of Law:** RESE acted as an escrow agent during the refinancing of the five
24 properties located in Oregon without an active escrow agent license, in violation of ORS
25 696.511(1) (2019 Edition). RESE is subject to a civil penalty under ORS 696.590(1)(a)(b).

26 2.

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

29 ///

30 ///

3.

STIPULATION AND WAIVER

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

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

In addition to all of the above, Real Estate Settlements & Escrow, LLC agrees that once the Commissioner executes this Stipulated Final Order, Real Estate Settlements & Escrow, LLC will accept service of the Stipulated Final Order by email, and hereby waive the right to challenge the validity of service.

ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.577, Real Estate Settlements & Escrow, LLC immediately cease and desist from offering to engage in or engaging in the business of an escrow agent as defined in ORS 696.505(5) and (6) (2019 Edition) unless Real Estate Settlements & Escrow, LLC first obtains an escrow license from the Agency. The Commissioner's authority for this order is under ORS 696.577.

1 IT IS FURTHER ORDERED that, pursuant to ORS 696.585 or 696.590 and based upon
2 the violation set forth above, Real Estate Settlements & Escrow, LLC pay a civil penalty in the
3 sum of \$500.00, said penalty to be paid to the General Fund of the State Treasury by paying
4 the same to the Agency.

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IT IS SO STIPULATED:

IT IS SO ORDERED:



DocuSigned by:
Moe
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MOE KAZIN, CEO
Real Estate Settlements & Escrow, LLC

DocuSigned by:
Steven Strode
E2C2D0097AD8471...
STEVEN STRODE
Real Estate Commissioner

Date 4/26/2023 | 1:50 PM CDT

Date 4/27/2023 | 7:53 AM PDT

Date of Service: 04/27/2023

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of
ANGELA MARRIE ROWLAND) STIPULATED FINAL ORDER

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

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

1.

First Findings of Fact:

1.1 Rowland is licensed as a broker with the Agency. Her license was initially associated with KW Capital City on September 27, 2016. On March 28, 2018, Rowland’s license became disassociated with KW Capital City, and then on March 28, 2019, her license was reassociated with KW Capital City. On March 11, 2020, Rowland’s license was disassociated from KW Capital City. Rowland’s license later was associated with a different registered business name and on March 4, 2022, her license was disassociated from it and Rowland’s license became inactive. On September 1, 2022, Rowland’s license expired and currently remains expired.

1.2 On January 10, 2022, the Agency received a complaint from Jennifer Woodward (Woodward) against Rowland and an investigation was opened.

1.3 Rowland represented Woodward in a transaction to purchase property located at 521 Inverness Dr, Salem OR 97306 (subject property) in March 2019. Dan Enos (Enos) was the seller’s broker in the transaction. The transaction went under contract on March 28, 2019.

1.4 On March 28, 2019, Enos emailed Rowland. The email appears to show that Enos submitted the seller’s property disclosures to Rowland along with the signed sale agreement. The

1 same email thread showed Enos sent Rowland an email on April 8, 2019, to follow up with her, as
2 he had not received the signed seller's property disclosures from her.

3 1.5 On April 9, 2019, Rowland emailed Enos stating Woodward had asked for
4 clarification on four questions that arose from the seller's property disclosures. Enos responded
5 later that day, with what he thought might have happened. Rowland then emailed Enos requesting
6 that the sellers correct their answers and resend the property disclosures.

7 1.6 Enos emailed Rowland, later that evening, stating the sellers did not need to make
8 corrections if they didn't want to, as the five-business day period applied.

9 1.7 Per the Seller's Property Disclosure, Lines 32-34 states in part:

10 "Buyer has five business days from the seller's delivery of this seller's disclosure statement
11 to revoke buyer's offer by delivering buyer's separate signed written statement of revocation
12 to the seller disapproving the seller's disclosure statement, unless buyer waives this right at
13 or prior to entering into a sale agreement."

14 1.8 Based on a delivery date to Rowland of March 28, 2019, for the Seller's Property
15 Disclosure Statement, the written statement of revocation would have been due to the sellers on
16 April 4, 2019.

17 1.9 According to Woodward, she received the seller's property disclosures during the
18 inspection period. A review of the sale agreement showed the inspection period was five business
19 days. The inspection period for the subject property transaction would have been between March
20 28, 2019, and April 4, 2019.

21 1.10 On April 12, 2019, Woodward signed a Termination Agreement.

22 1.11 Woodward could not recall when she instructed Rowland to submit a written
23 statement of revocation disapproving the seller's disclosure statement.

24 1.12 Dated June 19, 2019, in a promissory note in which Rowland agreed to compensate
25 Woodward, Rowland stated in part the following, "Due to my failure of sending Sellers [sic] agent
26 an unconditional disapproval before the inspection period ended and sending termination. I will pay
27 Jennifer out of escrow from our next pending future transaction that I represent her as a realtor."

28 **(1) Conclusion of Law:** By failing to draft a termination agreement for the buyer within the
29 time frame specified in the Seller's Property Disclosure Statement and/or by failing to inform
30 Woodward of the specific time frame to terminate the transaction as specified in the Seller's

1 Property Disclosure Statement Rowland violated ORS 696.301(3) as it incorporates ORS
2 696.810(2)(b) and ORS 696.810(3)(a) (2019 Edition).

3 1.13 On April 3, 2019, the inspection occurred. That same day Addendum A was signed
4 by Woodward requesting to extend the inspection period to April 9, 2019. The addendum was
5 signed by the sellers on April 6, 2019.

6 1.14 On April 9, 2019, the Buyer's Repair Addendum was signed by Woodward. The
7 sellers declined to perform the repairs and signed the addendum the same day.

8 1.15 On April 9, 2019, Addendum B was signed by Woodward at 4:48pm. In the
9 addendum, Woodward requested to extend the inspection period to April 10, 2019. The sellers
10 declined to extend the inspection period and signed the addendum on April 10, 2019.

11 1.16 In Enos' email he stated Addendum B was not delivered until 4:50PM on April 9,
12 2019, which did not allow enough time to respond and referenced lines 189-192 of the sales
13 agreement.

14 1.17 According to the sales contract, Line 189 states in part:

15 " If Buyer fails to provide Seller with written unconditional disapproval of any inspection
16 report(s) by 5:00P.M. of the final day of the Inspection Period, Buyer shall be deemed to
17 have accepted the condition of the Property. Note that if, prior to the expiration of the
18 Inspection Period, written agreement is reached with Seller regarding Buyer's requested
19 repairs, the Inspection Period shall automatically terminate, unless the parties agree
20 otherwise in writing."

21 1.18 Rowland did not provide a written unconditional disapproval of the inspection report
22 to Enos by the end of the extended inspection date of April 9, 2019.

23 **(2) Conclusion of Law:** Rowland failed to draft a written unconditional disapproval of the
24 inspection report and deliver to the seller's agent within the time frame specified in the Purchase
25 and Sale Agreement in violation of ORS 696.301(3) as it incorporates ORS 696.810(2)(b) and
26 ORS 696.810(3)(a) (2019 Edition).

27 1.19 John Ford was the principal broker in charge at Keller Williams Capital City during
28 this transaction. Ford stated he did not receive any paperwork from Rowland relating to this
29 transaction.

30 ///

1 **(3) Conclusion of Law:** By not submitting any transaction documents relating to the subject
2 property to her principal broker, Rowland violated ORS 696.301(3) as it incorporates OAR 863-
3 015-0250(2) (1-1-2019 Edition).

4 1.20 On April 12, 2019, Woodward signed a Termination Agreement. The Termination
5 Agreement instructed the escrow agent to disburse the \$5,000 earnest money to the buyer. The
6 sellers did not sign it.

7 1.21 On April 12, 2019, the sellers signed a counter Termination Agreement instructing
8 the escrow agent to disburse the \$5,000 earnest money to the sellers. Woodward did not sign it.

9 1.22 On June 5, 2019, the sellers signed a Termination Agreement instructing the escrow
10 agent to disburse the earnest money evenly, with \$2,500.00 going to the sellers and \$2,500.00 to
11 the buyer. Woodward signed the agreement on June 19, 2019.

12 1.23 On June 19, 2019, Rowland signed a promissory note in which she promised to pay
13 Woodward \$2,500.00 in compensation for the loss of Woodward's earnest money. In her interview
14 with Agency Financial Investigator/Auditor Cidia Nañez (Nañez) on April 22, 2022, Woodward
15 stated she was still trying to collect the \$2,500.00 Rowland promised to pay her.

16 1.24 In her complaint, Woodward stated that Rowland promised to pay her \$2,500.00 if
17 Woodward would release the \$2,500.00 to the sellers.

18 1.25 On August 7, 2020, through the Circuit Court of Marion County- Small Claims
19 Department, a judgment was awarded to Woodward against Rowland for a total of \$2,837.00
20 (which consisted of a \$2,500 money award, \$225 prejudgment interest and \$112.00 costs and
21 service expense). Rowland failed to report the adverse judgment to the Agency as required.

22 **(4) Conclusion of Law:** By failing to report the adverse judgment to the Agency, Rowland
23 violated ORS 696.301(3) as it incorporates OAR 863-015-0175(1)(b) (1-1-2019 Edition).

24 1.26 Agency records received April 27, 2023, show Rowland ultimately submitted
25 payment to Woodward in the amount of \$2,837.00 with cashier's check #1110743486 dated
26 September 30, 2022.

27 1.27 All of the above demonstrates conduct below the standard of care for the practice of
28 professional real estate activity in Oregon and incompetence or untrustworthiness in performing
29 acts for which Rowland is required to hold a license.

30 ///

1 **(5) Conclusion of Law:** Based on the foregoing, Licensee is subject to discipline under ORS
2 696.301(12) and (15) (2019 Edition).

3
4 2.

4 2.1 The forgoing violations are grounds for discipline pursuant to ORS 696.301.

5 2.2 The Agency reserves the right to investigate and pursue additional complaints that
6 may be received in the future regarding the licensee.

7 2.3 In establishing the violations alleged above, the Agency may rely on one or more of
8 the definitions contained in ORS 696.010.

9 3.

10 STIPULATION AND WAIVER

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

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

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

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ORDER

IT IS HEREBY ORDERED that Angela Rowland’s license be, and hereby is reprimanded.

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:

Angela Marrie Rowland

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DocuSigned by:

Anna Higley

7D00FC6078644DF...



ANGELA MARRIE ROWLAND

Anna Higley, Deputy Commissioner on
Behalf of Steven Strode Real Estate
Commissioner

5/4/2023 | 5:45 PM EDT
Date _____

5/4/2023 | 2:46 PM PDT
Date _____

05/04/2023
Date of Service: _____

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Escrow Agent License of)
SANTIAM ESCROW, INC)

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Santiam Escrow, Inc (SEI) 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 696.505.

First Findings of Fact:

1.1 At all times mentioned herein, SEI was licensed as an escrow agent in Oregon.

1.2 On February 15, 2023, the Agency received a complaint from Arden Lynn Aker (Aker) against SEI. The Agency opened an investigation.

1.3 Aker stated in the complaint that SEI failed to make payments and provide an accounting from November 2022 through February 2023.

1.4 Aker filed a previous complaint against SEI for the same issue on September 13, 2022. The Agency issued SEI an Educational Letter of Advice as a result of the previous investigation.

1.5 On February 21, 2023, the Agency received a response from James Templin (Templin), CSCEO of Santiam Escrow. Templin confirmed the accuracy of the complaint and stated that he had sent the payment to Aker along with the requested accounting.

1 complete agreement and stipulation between the Agency and SEI. I further understand that if
2 SEI does not agree with this stipulation SEI has the right to request a Hearing on this matter
3 and to be represented by legal counsel at such a Hearing. I also understand that any Hearing
4 would be conducted in accordance with the procedures set forth in ORS Chapter 183 and in
5 accordance with the Rules of Practice and Procedure adopted by the Attorney General of the
6 State of Oregon. By signing this Stipulated Final Order SEI freely and voluntarily waive SEI
7 rights to a Hearing, to representation by legal counsel at such a Hearing, and to judicial review
8 of this matter.

9 SEI hereby agrees and stipulates to the above Findings of Fact and Conclusions of Law
10 and understand that the Order which follows hereafter, which I have also read and understand,
11 may be completed and signed by the Real Estate Commissioner or may be rejected by the
12 Real Estate Commissioner. I further understand that, in accordance with the provisions of
13 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News
14 Journal.

15 In addition to all of the above, SEI agrees that once the Commissioner executes this
16 Stipulated Final Order, SEI will accept service of the Stipulated Final Order by email, and
17 hereby waive the right to challenge the validity of service.

18 IT IS HEREBY ORDERED that, pursuant to ORS 696.535 and based upon the
19 violation(s) set forth above, SEI's license be, and hereby is reprimanded.

21 IT IS SO STIPULATED:

IT IS SO ORDERED:

22
23 DocuSigned by:
24 By SANTIAM ESCROW, INC
25 James Templin
26 CSCEO
27 Date 4/27/2023 | 10:10 AM PDT

DocuSigned by:
Steven Strode
Steven Strode
Real Estate Commissioner
Date 4/27/2023 | 10:53 AM PDT



28
29 DATE of service: 04/27/2023
30

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional
Real Estate Activity of
CHRISTY MARIE WARNER

STIPULATED FINAL ORDER AND ORDER
TO CEASE AND DESIST

The Oregon Real Estate Agency (Agency) and Christy Warner (Warner) 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, Warner was not licensed to conduct professional real estate activity in Oregon.

1.2 On October 25, 2022, Kathryn King (King) filed a complaint with the Agency against Warner stating that Warner is a former employee of King's company KJK Properties P.C. (KJK) and Warner is representing clients that have left KJK without a license.

1.3 King included in the complaint a rental advertisement listing Warner as the contact.

1.4 An investigation was opened and assigned to Agency Investigator/Financial Auditor Lindsey Nunes.

1.5 On December 28, 2022, Warner stated in an email to Nunes, that in September 2022 she started working part time for a property owner previously managed by KJK. Her

1 duties include scheduling and coordinating access for maintenance and repairs and answering
2 phones.

3 **Statement of Law:**

4 ORS 696.020(2) states an individual may not engage in, carry on, advertise or purport
5 to engage in or carry on professional real estate activity, or act in the capacity of a real estate
6 licensee, within this state unless the individual holds an active license as provided for in this
7 chapter. ORS 696.010(17)(h) defines professional real estate activity as any of the following
8 actions, when engaged in for another and for compensation or with the intention or in the
9 expectation or upon the promise of receiving or collecting compensation, by any person who:
10 (h) Engages in management of rental real estate.

11 ORS 696.010(14)(a)(A)(G) and (H) defines management of rental real estate activity as
12 any of the following actions, when engaged in for another and for compensation or with the
13 intention or in the expectation or upon the promise of receiving or collecting compensation, by
14 any person who: (a) Represents the owner of real estate under a property management
15 agreement in the rental or lease of the real estate and includes but is not limited to: (A)
16 Advertises the real estate for rent or lease; (G) Represents the owner in inspection or repair of
17 the real estate; and (H) Contracts for repair or remodeling of the real estate.

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

21 (a) Not less than \$100 nor more than \$500 for the first offense of unlicensed professional real
22 estate activity.

23 **Conclusion of Law:** By representing a property owner in the advertising, scheduling
24 and coordinating access for maintenance and repairs and answering phones with the
25 possibility that the call is a potential applicant, Warner engaged in the management of rental
26 real estate, as described in ORS 696.010(14)(a)(A)(G) and (H), and as such, engaged in
27 professional real estate activity described in ORS 696.010(17)(h) without a license, which is a
28 violation of ORS 696.020(2) (2021 Edition). Warner is subject to a civil penalty under ORS
29 696.990(4)(a) (2019 Edition).

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 individual.

12 4.

13 STIPULATION AND WAIVER

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

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

4 ORDER


5 IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Christy Warner immediately
6 cease and desist from engaging in any professional real estate activity as defined in ORS
7 696.010(17)(a) to (n) (2021 Edition) unless Warner first obtains a real estate license from the
8 Agency. The Commissioner’s authority for this order is under ORS 696.397.

9 IT IS FURTHER ORDERED that, pursuant to ORS 696.990 and based upon the
10 violation set forth above, Warner pay a civil penalty in the sum of \$250.00, said penalty to be
11 paid to the General Fund of the State Treasury by paying the same to the Agency.

12
13 IT IS SO STIPULATED:

IT IS SO ORDERED:

14
15 DocuSigned by:
16 
17 EF94FCF5294F4A5...

DocuSigned by:

E2C2D0097AD8471...
STEVEN STRODE



Real Estate Commissioner

18
19 Date 3/17/2023 | 7:34 PM PDT

Date 3/20/2023 | 8:04 AM PDT

20
21 Date of Service: 03/20/2023

**REAL ESTATE BOARD
REGULATION DIVISION REPORT
June 5, 2023**

Regulation Division Manager: Elli Kataura

Compliance Specialist 3s (Senior Case Analyst): Meghan Lewis, Hani Ghamrawi

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

Administrative Specialist 2 (Case Resolution Coordinator): Amanda Moser

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 Senior Case Analysts 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 assesses a sanction, the Senior Case Analysts conduct a settlement conference to resolve cases without a contested case hearing. If the respondent requests a hearing, the Investigator works with the Assistant Attorney General in preparing for and presenting the case at hearing.

Personnel

The vacant Case Resolution Coordinator position has been filled by external applicant Amanda Moser. Amanda joins the Agency on June 1st, leaving her role as a Case Coordinator in the Investigations and Compliance Department of the Oregon State Board of Nursing.

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 5/17/23</u>
Complaint	36	27	24	34	26
Investigation	41	43	46	28	36
<i>(# of Investigators)</i>	7	7	7	6	6
Admin Review	29	47	5	5	2
Settlement Process	49	57	8	6	2

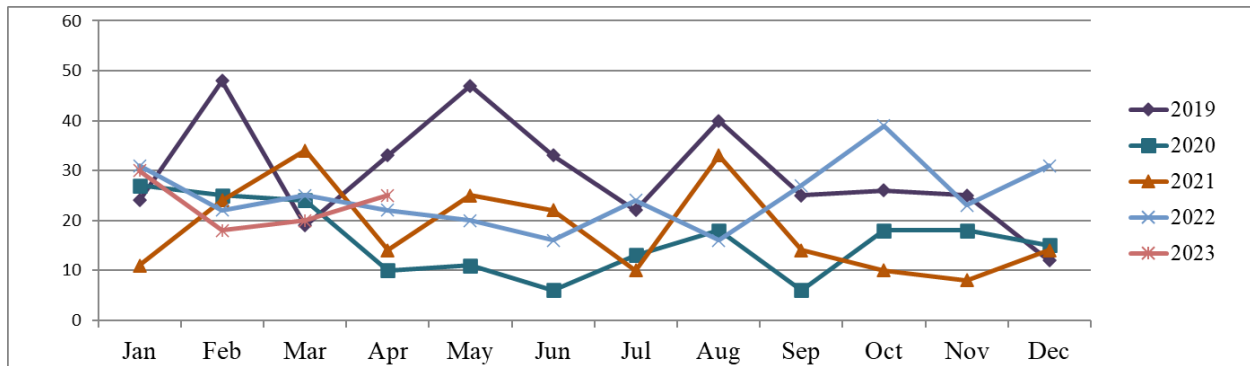
**Report to the Real Estate Board
Land Development Division
June 6th, 2023**

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



We’ve had 93 filings through end of April this year, which is 7 less than was we saw through end of April last year.

Rulemaking:

No rulemaking in process at this time.

2023 Legislative Session Update:

The current legislative session is nearing completion. Constitutional Sine Die is June 25th. At the last board meeting we noted five bills we’ve been tracking. The status of those bills is updated below.

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: Dead (failed to meet the first work session deadline)

HB 3092 – Relating to residential property wholesaling.

Summary: Creates residential property wholesaler registration.

Status: Passed with -1 amendment and referred to Ways and Means. – No change since last report.

ORS Chapter 100:

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

Summary: This bill makes non-substantive technical changes.

Status: Enrolled

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 Ways and Means on April 10th.

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: Dead (failed to meet the first work session deadline)

**REAL ESTATE BOARD
ADMINISTRATIVE SERVICES DIVISION REPORT
June 5, 2023**

Administrative Services Manager: Mesheal Heyman

Accountant: Caty Karayel

Systems Administrator: Tiffani Miller

Program Analyst: Rus Putintsev

IT 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 April, our projected revenue for the 2021-2023 biennium is **\$10.4 million**, with projected expenses at **\$9.1 million**. Our cash balance estimate is **\$6.8 million**.

Revenue/Economic Outlook

The Agency has an average a monthly surplus of about **\$56,500** for the biennium.

At the end of April, we had **25,153 licensees**. This is a 1% decline from the record number of licensees in April 2022.

The number of new licensees issued each month, although down from the high of last year, has remained steady since the beginning of 2023.

Accounting

The Oregon Real Estate Agency has earned the Gold Star Certificate for the 2022 fiscal year. The Gold Star Certificate is given by the state's Chief Financial Office to state agencies that provide accurate and complete fiscal year end information in a timely manner. The Agency's participation is important in the timely preparation of Oregon's Comprehensive Annual Financial Report and the statewide Schedule of Expenditures of Federal Awards. Our accountant Caty Karayel was instrumental in meeting the criteria for the award.

Communications

We are on track to complete the move of our website to the new SharePoint platform by the June 30th deadline.

We continue to work with the project manager for the eLicense replacement project. Our program analyst Rus Putintsev played a large role in gathering requirements for the new system.

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

Budget Codes		<u>21-2023 LAB</u>	<u>Expected Total Expenditures for Biennium (current)</u>	<u>Expected Remaining Limitation at end of Biennium</u>
	Total Personal Services	7,514,785	7,384,425	130,360
4100 & 4125	In-State Travel & Out-of-StateTravel	103,008	39,598	63,410
4150	Employee Training	38,585	48,751	(10,166)
4175	Office Expenses	56,611	73,032	(16,421)
4200	Telecom/Tech Services & Support	67,400	72,544	(5,144)
4225	State Government Services	336,730	381,093	(44,363)
4250	Data Processing	113,997	99,593	14,404
4275	Publicity & Publications	38,297	6,439	31,858
4300 & 4315	Professional Services & IT Professional Services	348,043	198,277	149,766
4325	Attorney General Legal Fees	330,963	344,452	(13,489)
4375	Employee Recruitment	8,081	250	7,831
4400	Dues & Subscriptions	9,987	6,418	3,569
4425	Facilities Rent & Taxes	265,559	251,289	14,270
4475	Facilities Maintenance	4,713	8,453	(3,740)
4575	Agency Program Related S&S	942,499	759,666	182,833
4650	Other Services & Supplies	4,097	186,021	(181,924)
4700	Expendable Property \$250-\$5000	30,401	6,711	23,690
4715	IT Expendable Property	149,523	33,492	116,031
	Total Services & Supplies	2,848,494	2,516,079	332,415
	Totals	10,363,279	9,900,504	462,775

**REAL ESTATE BOARD
EDUCATION & LICENSING DIVISION REPORT
June 5, 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 is currently in the process of recruiting an Administrative Specialist 1, the receptionist position.

Education Update

Pre-license education providers must renew on or before June 30th.

Licensing Update

For the month of April, complaint processing averaged 12 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	352	348								
<u>Failed to Renew</u>	13	13	14	27								
<u>% Renewed</u>	97%	96%	96%	92%								

Licensing Statistics

Total Licensee Counts by Month:

Individuals (Persons)	Mar-23	Apr-23
Broker – Total	17,871	17,867
Active	15,991	16,013
Inactive	1,880	1,854
Principal Broker - Total	6,277	6,277
Active	5,873	5,861
Inactive	404	416
ALL BROKERS Total	24,148	24,144
Active	21,864	21,874
Inactive	2,284	2,270
Property Manager - Total	986	990
Active	870	875
Inactive	116	115
MCC Salesperson	20	19
MCC Broker	0	0
TOTAL INDIVIDUALS	25,154	25,153
Active	22,754	22,768
Inactive	2,400	2,385
Facilities (Companies)		
REMO	5	5
Registered Business Name (RBN)	3,772	3,761
Registered Branch Office (RBO)	797	800
Escrow Organization	86	86
Escrow Branch	170	172
Condominium Filing (CO)	388	405
Unit Owners Association	829	829
Pre-License Education Provider (PEP)	26	26
CEP	287	291
MCC Operator	25	25
TOTAL FACILITIES	6,385	6,400
TOTAL INDIVIDUALS & FACILITIES	31,539	31,553

New Licenses by Month:

Individuals (Persons)	Mar-23	Apr-23
Broker	121	155
Principal Broker	12	13
TOTAL BROKERS	133	168
Property Manager	10	10
MCC Salesperson	0	0
MCC Broker	0	0
TOTAL INDIVIDUALS	143	178
Facilities (Companies)		
Continuing Education Provider (CEP)	4	3
REMO	0	0
Registered Business Name	29	32
Registered Branch Office	16	7
Escrow Organization	1	1
Escrow Branch	1	2
Condominium Filing	0	0
Unit Owners Association	8	9
Pre-License Ed Provider	0	0
MCC Operator	0	0
TOTAL FACILITIES	55	51
TOTAL INDIVIDUALS & FACILITIES	198	229

Exam Statistics

April 2023

ALL LICENSING EXAMS Total

Broker	439
Property Manager	26
Principal Broker	55
Reactivation	3

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	42
Broker National	70	68	67	66	65
Principal Broker State	51	53	57	54	52
Principal Broker National	69	63	55	65	55
Property Manager	64	58	66	65	65

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	275	209									957
Principal Brokers	37	24	37	16									114
Property Managers	26	26	35	24									111
Total	325	261	347	249									1182

Renewal Activity														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	482	509	544	527									2062
	Inactive	42	28	30	29									129
Late	Active	74	48	50	52									224
	Inactive	12	8	13	12									45
Lapse		111	104	120	121									456
Total		721	697	757	741									2916

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	206	175	212	230									823
	Inactive	20	12	7	10									49
Late	Active	13	6	9	10									38
	Inactive	2	3	1	3									9
Lapse		21	27	27	29									104
Total		262	223	256	282									1023

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	35	26									125
	Inactive	3	1	1	3									8
Late	Active	3	2	0	2									7
	Inactive	2	1	0	0									3
Lapse		5	5	11	9									30
Total		48	38	47	40									173

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	1060	1063									4112
On Time	Active	723	713	791	783									3010
	Inactive	65	41	38	42									186
Late	Active	90	56	59	64									269
	Inactive	16	12	14	15									57
Total Renewed		894	822	902	904									3522
Lapse		137	136	158	159									590

% On Time		76.4%	78.7%	78.2%	77.6%	%	%	%	%	%	%	%	%	77.7%
% Late		10.3%	7.1%	6.9%	7.4%	%	%	%	%	%	%	%	%	7.9%
% Failed to Renew (Lapsed)		13.3%	14.2%	14.9%	15.0%	%	%	%	%	%	%	%	%	14.3%
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%

**REAL ESTATE BOARD
COMPLIANCE DIVISION REPORT
June 6, 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 5/11/2023	2015	2016	2017	2018	2019	2020	2021	2022	2023
ELOA	2	2	4	44	79	81	13	55	40
No Violation	356	192	172	375	216	87	10	98	39
Open Investigation	5	3	8	10	29	7	2	13	3
Resolved								72	61
Total Closed	363	197	184	429	324	175	25	238	143

(# of Staff)	4	4	4	5	6	6	1	1-2	2
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2023 (as of 5/11/2023)	January	February	March	April	May
ELOA	4	9	11	10	6
No Violation	8	9	7	10	5
Open Investigation	0	1	2	0	0
Resolved	12	5	16	23	5
Total Closed	24	24	36	43	16

(# of Staff)	2	2	2	2	2
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