



Oregon

Kate Brown, Governor

**AGENDA ITEM NO.
I.C.**

Real Estate Agency
Equitable Center, Suite 100
530 Center Street NE
Salem, OR 97301-3740
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**Notice of Agenda
OREGON REAL ESTATE BOARD
Regular Meeting Agenda**

**Monday, June 6, 2016
Central Oregon Association of REALTORS®
2112 NE 4th Street
Bend, OR 97701**

NOTE: *The board plans to meet from 10 a.m. until 1:30 p.m., including a “working lunch” period.*

I. BOARD BUSINESS – Chair Hermanski

- A. Call to Order
- B. Roll Call/Chair Hermanski comments
- C. Approval of the Agenda and Order of Business
- D. Approval of 4.4.16, regular meeting minutes
- E. Date of the Next Meeting: 8.1.16 at Hamley Steakhouse, 8 S.E. Court Ave., Pendleton, OR 97801

II. PUBLIC COMMENT

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

III. REQUEST FOR WAIVERS. Waiver Log.

- A. William Patten requests experience waiver for principal broker’s license.

IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER– Approval of petition log.

- A. Kenneth Holman will appear by phone.
- B. CMPS Institute, LLC, Gibran Nicholas will appear on behalf of CMPS and by phone.

V. COMMUNICATIONS – Administrative Actions Summary.

VI. REPORTS

- A. Commissioner Gene Bentley
- B. Agency division reports-Deputy Commissioner Dean Owens
 1. Regulation Division – Selina Barnes
 2. Land Development Division – written report by Michael Hanifin
 3. Education, Business and Licensing Services Division – Dean Owens

VII. ANNOUNCEMENTS – Next board meeting 8.1.16 at Hamley Steakhouse, 8 S.E. Court Ave., Pendleton, OR 97801.

VIII. ADJOURNMENT

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



Oregon

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**AGENDA ITEM NO.
I.D.**

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State of Oregon Real Estate Agency

REAL ESTATE BOARD

Regular Meeting Minutes

April 4, 2016

MEMBERS PRESENT:

Chris Hermanski, Chair
Coni Rathbone, Vice-Chair
Alex MacLean
Jef Farley
Lawnae Hunter
Pat Ihnat
Marcia Edwards
Dave Koch
Joann Hansen

STAFF PRESENT:

Gene Bentley, Commissioner
Dean Owens, Deputy Commissioner
Selina Barnes, Regulations Division Manager
Leandra Hagedorn, Board Liaison

GUESTS PRESENT:

Melody Beaudro, TR Hunter Real Estate Inc.
Loretta Botta
Ruby Chapman, Berkshire Hathaway Home Serv.
Dahe Good, Bella Casa RE Group
Michelle Hagle, Heritage NW Real Estate – Swee
Stacey Harrison, A1 Superior Schools
Christine Hauser, Town & Country Realty
Desiree Johnson, TR Hunter Real Estate Inc.
Janice Kinslow, Berkshire Hathaway Home Serv.
Jacki Nicklous, Heritage NW Real Estate – Swee
Delbert Phelps, Berkshire Hathaway Home Serv.
Mary Simpson, Coldwell Banker Coast Real Estate
Linda Westphal, Action Realty
Melissa Williams, Berkshire Hathaway Home Serv.
Tim Rist, Keller Williams
Lionel Wilson, Keller Williams
Brian Greer, Service Master

I. BOARD BUSINESS

- A. Call to Order.** Chair Hermanski called the meeting to order at 10 a.m.
- B. Roll Call/Chair Hermanski comments.** Chair Hermanski explained the function/role of the board, asked board members to introduce themselves, and the board liaison to conduct roll call. All nine board members were present.
- C. Approval of the Agenda and Order of Business.** The Agenda and Order of Business were approved as submitted.

MOTION TO APPROVE THE AGENDA AND ORDER OF BUSINESS AS SUBMITTED BY JOANN HANSEN

SECOND BY PAT IHNAT

MOTION CARRIED BY UNANIMOUS VOTE

- D. Approval of 2.1.16, regular meeting minutes.** The 2.1.16 regular meeting minutes were approved as submitted.

MOTION TO APPROVE THE 2.1.16 REGULAR BOARD MEETING MINUTES AS SUBMITTED BY JOANN HANSEN

SECOND BY PAT IHNAT

MOTION CARRIED BY UNANIMOUS VOTE

- E. Date of Next Meeting: 6.6.16 at The Central Oregon Association of REALTORS®, 2112 NE 4th Street, Bend, OR 97701**

II. PUBLIC COMMENT. None.

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

III. REQUESTS FOR WAIVERS – Waiver Request Log. Commissioner Bentley asked the board members if they preferred an expanded version of the Waiver Request Log and the board requested the history span be 5 years.

- A. Dahe Good requests waiver for principal broker license.** Ms. Good explained that she had held a number of positions in the real estate industry as well as owning her own real estate development firm for 12 years. She also stated that her goal is to own her own small firm of realtors. Alex MacLean asked Ms. Good how many agents she anticipated to manage and she responded that she would like to have four agents in her firm. Lawnae Hunter asked Ms. Good to provide more detail about her management experience. Ms. Good explained that she had specific training for supervising/managing and public agency rules are very explicit. Coni Rathbone asked Ms. Good why she did not want to hang her license with a principal broker.

Ms. Good responded that she wanted to create an atmosphere that focuses on serving clients.
Discussion: None.

**MOTION TO APPROVE DAHE GOOD'S REQUEST FOR WAIVER OF EXPERIENCE FOR
PRINCIPAL BROKER BY DAVE KOCH
SECOND BY JOANN HANSEN
MOTION CARRIED BY UNANIMOUS VOTE**

- B. Lisa Neef requests waiver for principal broker license.** Ms. Neef explained that she owned a transaction coordination business since 2010. Coni Rathbone asked Ms. Neef to explain in more detail what her business entails. Ms. Neef explained that she is hired by brokers to assist them with their paperwork. Pat Ihnat asked Ms. Neef if she interacted with clients and she responded that she has minimal interaction with clients. Dave Koch asked Ms. Neef to clarify her role in the transaction process regarding confidentiality. Ms. Neef clarified that her role is an administrative one. Discussion: Ms. Ihnat asked Dave Koch what he felt about the necessity for license. Mr. Koch responded that in his opinion no license due to conflict. Ms. Ihnat responded situations that included contact with clients may very well cause conflict. Ms. Rathbone explained that a principal broker license is a good idea once Ms. Neef is more seasoned.

**MOTION TO DENY LISA NEEF'S REQUEST FOR WAIVER OF EXPERIENCE FOR PRINCIPAL
BROKER LICENSE BY MARCIA EDWARDS
SECOND BY DAVE KOCH
MOTION CARRIED BY UNANIMOUS VOTE**

- C. Tim Rist requests waiver for principal broker license.** Mr. Rist introduced Lionel Wilson, CEO for Keller Williams and asked him to address the board on his behalf. Mr. Wilson explained that he has known Mr. Rist for about 10 years and he has strong leadership skills. Mr. Wilson also summarized Mr. Rist's experience and work history. Coni Rathbone asked Mr. Rist if he intended to stay with Keller Williams. Mr. Rist responded that he did intend to stay with Keller Williams. Chair Hermanski and Ms. Rathbone both asked Mr. Rist to explain what had occurred since his first appearance to make the board change their opinion. Mr. Rist responded that since his first appearance before the board he has obtained a better understanding of ORS Chapter 696, the CTA process, rules. He also explained that he has been on both sides of disputes (buyer/seller).

**MOTION TO APPROVE TIM RIST'S REQUEST FOR WAIVER OF EXPERIENCE FOR
PRINCIPAL BROKER BY CONI RATHBONE
SECOND BY ALEX MACLEAN
MOTION CARRIED BY UNANIMOUS VOTE**

IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER – Approval of petition log.

- A. Brian Greer will appear in person.** Mr. Geer explained that he owned 3 service master companies and has been in the disaster industry for many years. He also explained that he provides education on the following topics: disaster restoration, water damage, risk management, business ethics, and property management, which are considered acceptable course topics. Discussion: None

**MOTION TO APPROVE BRIAN GREER'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH
SECOND BY CONI RATHBONE
MOTION CARRIED BY UNANIMOUS VOTE**

B. John Estrem will appear by phone. Mr. Estrem appeared by phone and reviewed his qualifications which included providing education for approximately 15 years. He also explained he provides education on the topic of risk management, which is considered an acceptable course topic. Chair Hermanski asked Mr. Estrem if he was aware of the record keeping requirements for continuing education providers and he responded that he was aware of the record keeping requirements. Discussion: None.

**MOTION TO APPROVE JOHN ESTREM'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY CONI RATHBONE
SECOND BY PAT IHNAT
MOTION CARRIED BY UNANIMOUS VOTE**

V. BOARD ADVICE ACTION – Commissioner Gene Bentley. Make recommendation to the Agency for filing on proposed rule. Commissioner Bentley asked the board to provide feedback regarding the proposed rule. Joann Hansen asked Commissioner Bentley who had jurisdiction over reciprocal license violations and he responded that reciprocal issues are handled as they arise.

VI. COMMUNICATIONS – Administrative Actions Summary

VII. REPORTS

A. Commissioner Gene Bentley

- Anna Higley has accepted the Business and Technical Services Manager position at the Agency
- Thank you to board members for contributions to Governor's Food Drive
- Agency received a 2015 CFO goal star award thanks to Caty Karayel
- Schedule for future board meetings:
 - 6.6.16-Bend
 - 8.1.16-Pendleton
 - 10.3.16-Portland
 - 12.5.16-Salem
- Should REA Managers be present at board meetings? Board consensus was that REA managers should be present at the meetings held in Salem only.
- Short legislative session has concluded
 - SB5702 requests Agency fee increase and is in Legislative process
 - SB 1582 directs housing and community services and fast track affordable housing
 - HB 4143 prohibits rent increases for month to month tenants

B. Agency division reports-Deputy Commissioner Dean Owens

1. Regulation Division – Selina Barnes. Ms. Barnes explained that the Administrative Assistant recruitment has opened and all investigators attended a mandatory defensive driving training recently. She also reported that she recently spoke at the Oregon Land Title Association and would be presenting the CE class after the board meeting. Ms. Barnes also explained that she would be attending the upcoming ARELLO Mid-Year Conference & Investigator Workshop at which time Peter Bale would be receiving the Investigator of the Year Award.

2. **Land Development Division – written report by Michael Hanifin.** Deputy Commissioner Owens reviewed the statistics in provided in the division report.
3. **Education, Business and Licensing Division – Deputy Commissioner Owens.** Deputy Commissioner Owens explained that Anna Higley, Business and Technical Services Manager would be facilitating the modifications/upgrades/additions to the eLicense module and summarized the statistics provided in the division report. He also reported that no course reviews/submittals are in progress with the Education division currently and reviewed the information provided in the division report.

VIII. ANNOUNCEMENTS – Next board meeting: 6.6.16 at The Central Oregon Association of REALTORS®, 2112 NE 4th Street, Bend, OR 97701.

IX. ADJOURNMENT

Respectfully submitted:

Respectfully submitted:

GENE BENTLEY, COMMISSIONER

CHRIS HERMANSKI, BOARD CHAIR

**AGENDA ITEM NO.
III.**

**OREGON REAL ESTATE BOARD
Experience Requirement Waiver Request Log
2009 - 2016**

DATE	NAME	TYPE OF LICENSE	APPROVED OR DENIED	FACTS AND BOARD DISCUSSION
2009				
2/2/09	Florum, Jinean	SP	Denied	<p>FACTS: Active Property Manager since February 13, 2006; 88 credit hours Real Estate Certificate from Emily Griffith Opportunity School in Colorado in 1995.</p> <p>DISCUSSION: Ms. Florum explained that she has been working as a property manager in La Grande, Oregon for three years. Chair Kegler asked Ms. Florum if she has had any involvement with the Real Estate Agency at any time and she responded that she was audited by the Real Estate Agency in November of 2007. Chair Kegler also asked Ms. Florum if she was currently involved with the Real Estate Agency and she responded that to her knowledge nothing was currently pending with the Real Estate Agency. Michael Graeper asked Ms. Florum to clarify the amount of time she is asking to be waived and how long has she been licensed. Ms. Florum responded that she applied for a property manager's license in 2005 and began practicing in 2006 and if she had any sales experience. Ms. Florum responded that she does not have sales experience; however, she does own a mobile notary service and eighteen years of experience working with contracts of sales of new homes. Commissioner Bentley explained that typically a sole practitioner is a person who has had a minimum of three years of experience as a licensed broker and asked Ms. Florum if she was requesting to have all three required years waived. Ms. Florum indicated that she was requesting to have all three years waived because she believes she has enough experience based on her involvement with refinancing loans activities which have been strictly from a notary perspective. Chair Kegler encouraged Ms. Florum to obtain a brokers' license, practice under a principal broker to gain some experience and possibly apply for another waiver request at a later date.</p>
2/2/09	Simmons, Paul	SP	Denied	<p>FACTS: Inactive Broker effective 1/1/09; 20 years as VP Retail Development for WinCo Foods.</p> <p>DISCUSSION: Mr. Simmons provided a brief history of his background, which included twenty years of experience in the retail real estate development industry. Bob LeFeber recused himself from voting on Mr. Simmons waiver request due to conflict of interest. Chair Kegler asked Mr. Simmons to explain what direction he would take if the waiver request was to be allowed. Mr. Simmons responded that he is interested strictly in commercial real estate activity. Byron Hendricks asked Mr. Simmons to explain why he chose not to obtain a brokers' license prior to submitting his waiver request and Mr. Simmons indicated that he did not want to go through the process when his ultimate goal is to become a sole practitioner. Marianne Wood stated that Mr. Simmons' references were impeccable and she did not doubt his qualifications, however, she indicated her concern was setting precedent with waiving the entire three year requirement. Byron Hendricks encouraged Mr. Simmons to submit another waiver request after one year.</p>
6/1/09	Davidson, Lawrence	SP	Approved	<p>FACTS: Lawyer for 30 years in good standing with the Oregon State Bar and has handled multiple real estate related issues; business owner for 15 years.</p> <p>DISCUSSION: Chair Kegler invited Mr. Davidson to explain the basis for his request and he responded by providing a brief history of his background and qualifications. Chair Kegler asked Mr. Davidson to clarify his reason for his request to become a sole practitioner and he responded that the main reason being does not want to be employed by someone else and wishes to represent buyers and sellers in transactions, earn commissions, and have listings.</p>
6/1/09	Rossi, Tressa	PB	Denied	<p>FACTS: Active Property Manager since August 28, 1990; Associates Degree with a major in real estate; owner of Fox Management Inc since March 2002.</p> <p>DISCUSSION: Chair Kegler invited Ms. Rossi to explain the basis of her waiver request and she responded that she was a licensed salesperson in 1991, has had many years experience as a licensed property manager and also in escrow and mortgage related activity. Ms. Rossi also explained her business is expanding and she wants to eventually employ brokers. Ms. Rossi stated that her immediate plans are to become a principal broker and handle the sales end of her</p>

				business and bring someone else in to handle the property management.
8/3/09	Wang, Tracy	SP	Denied	<p>FACTS: Has worked part-time as a bookkeeper since 2004 for a “husband and wife realtor team.”</p> <p>DISCUSSION: Chair Kegler invited Ms. Wang to address her waiver request. Mr. Wang responded by stating she has worked for a principal broker realtor team for the last five years and has received online training from exclusive provider organization and this educational knowledge is the basis for her request. Chair Kegler asked Ms. Wang if she was aware of the new law eliminating sole practitioner designation effective January 1, 2010. Ms. Wang responded that she was not aware of the upcoming change. Mr. Hendrick asked Ms. Wang why she did not choose to become licensed under a principal broker. Ms. Wang responded that she has been working with principal brokers for the last five years. Mr. Hendrick asked Ms. Wang if she is conducting open houses at this time. Ms. Wang responded that she is not conducting open houses; however, she has attended some courses to learn about marketing materials. Mr. Hendrick then asked Ms. Wang to describe her work with exclusive provider organizations and she responded that prior to EPO work she did bookkeeping for over two years. Mr. Graeper clarified that Ms. Wang had passed her exam in August of 2008. Mr. Graeper asked if Ms. Wang has been offered employment by any of the firms she has applied for. Ms. Wang indicated that she has not been offered employment. Chair Kegler reminded Ms. Wang of the one year deadline she must meet to obtain a license and find employment.</p>
12/7/09	Feigelson, Ryan	SP	Approved	<p>FACTS: Inactive broker effective 10/14/09; Bachelor Degree with minor in communications.</p> <p>DISCUSSION: Mr. Feigelson stated that he is an Oregon State University graduate with a business management degree. He began working for a commercial firm in Portland, Oregon in 2006 and in October he decided to separate from the firm to obtain a sole practitioner license. At time of separation, he was 10 days short of the three-year experience requirement. Although his experience has been mainly multi-family transactions, he has handled a wide variety of transactions. Byron Hendricks asked Mr. Feigelson about his future intentions to have other brokers work with him. Mr. Feigelson responded that he intends to work on his own. Commissioner Bentley asked Mr. Feigelson why he chose to request to have the 10 days waived rather than waiting. Mr. Feigelson indicated that it was a timing issue. He also stated that his focus will be on commercial transactions.</p>
12/7/09	Gaffney, William	PB	Approved-SP	<p>FACTS: Inactive broker effective 4/06; worked for Howard Feuerstein at Stoel Rives.</p> <p>DISCUSSION: Mr. Gaffney is requesting approximately two months of the three-year experience requirement be waived because he is starting a new residential brokerage and would like to begin January 1, 2010, to coincide with the company’s fiscal year. He was originally licensed in 2004. He was inactive about 18 months when he was concentrating on condominium conversions. He felt that as an owner and developer he obtained considerable knowledge. He worked with Howard Feuerstein at Stoel Rives in the creation of documents and sales agreements and felt that working with Mr. Feuerstein was like taking a real estate course. Mr. Hendricks asked Mr. Gaffney to explain the primary difference of a fiduciary to clients versus being a principal. Mr. Gaffney felt that was one of the strengths he brings to the business having been a principal in many transactions as the buyer or the seller. Mr. Graeper asked if he had ever been licensed with Windermere. Gaffney responded that he is now and before that was with Barbara Sue Seal. Ms. Wood recognized that Mr. Gaffney spent several years as a developer and a principal was now switching to a residential brokerage. Ms. Woods asked if he was planning to sell houses. Mr. Gaffney responded by saying residential is anything other than commercial, so it would include condominiums as well. Ms. Wood asked if he was going to hire people and supervise them. Mr. Gaffney stated that in the beginning it would just be him but that he was planning to hire other brokers in the future. (Note: Mr. Gaffney was approved to become a sole practitioner since he was not immediately supervising any other brokers.)</p>
12/7/09	Krueger, Eric	SP	Denied	<p>FACTS: Active broker since 2/21/08 to present; Bachelor of Science Degree in Finance; 2 years commercial real estate development experience with Opus Corporation; active license in Arizona and California.</p> <p>DISCUSSION: Mr. Krueger stated that he is applying for a sole practitioner license because he has a four-year bachelor’s degree from the University of Arizona in two real estate related fields, one in finance with emphasis in real estate as well as a Regional Development Degree for the practices of commercial and economical development of land. He has two years of commercial real estate experience at a national development firm called OPUS Corporation. The company just filed for bankruptcy so that “terminated” his licenses in Arizona, California, and Oregon. They are all inactive at this point so he is requesting a sole practitioner license while searching for a job. Mr. Hendricks asked why he was resistant to associating with a principal broker with an established business and beginning a real estate career here in Oregon. Mr. Krueger responded that there is no resistance but hasn’t found a “proper fit.” Mr. LeFeber asked</p>

				<p>about the type of work done at OPUS. Mr. Krueger explained that OPUS was set up into three different divisions: construction, architecture, and development. He was in development which involved all the site acquisition (leasing and sales) so had “hands on” experience with leasing and the sale of over a million square feet of office, industrial and mixed-use. Mr. LeFeber asked for more detail about the transactions that Mr. Krueger conducted. Krueger answered that it was primarily in office industrial and mixed-use, leases. Transactions ranged 3,000 square feet to 150,000 square feet. In building sales, \$5 million product type with my most substantive one \$80 million. Mr. Hendricks asked if in those transactions if he was the broker in charge or the sales associate in charge of those transactions or were you working on a team? Mr. Krueger replied that the team associate would probably be one member of OPUS, usually one or two members of the brokerage community, and the client. Mr. Hendricks asked if he has done fiduciary work for others besides OPUS, to which Krueger responded no. Mr. Kegler asked if his license time in Oregon with OPUS. Mr. Krueger responded that he was in Phoenix, licensed with OPUS in Arizona, California and Oregon and wasn’t permanently located here at that time. Chair Kegler asked how long Mr. Krueger has been in Oregon, to which Krueger said three months. Commissioner Bentley asked if Krueger had done transactions here in Oregon to which Krueger said no.</p>
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2010				
2/1/10	White, James J.	PB	Approved	<p>FACTS: Active broker since 4/18/07; partner in a real estate investment firm in Washington from 11/05-3/08; loan manager for Wilshire Credit Corporation from 1/03-10/05.</p> <p>DISCUSSION: Mr. White stated that he has been a broker for 2 ½ years with approximately 15 years experience in the real estate industry. He explained that once his contract with current firm closes, he intends to open his own firm. Mr. White requested a 2 ½ month waiver. Mr. White was asked to clarify his timeline and he responded that his request is based on a timeline from a consumer perspective. He also stated that he intends to supervise at some point. Mr. White was asked if he had completed the BASS course and he responded that he had.</p>
8/2/10	Hartzell-Behrndt, Christina	PB	Denied	<p>FACTS: Active broker in Oregon since 7/7/10 and in Washington since 1/8/10. She’s been managing her own investment properties since 2001. She started 2 companies in 2004, which she runs by herself; one to manage her properties and one to handle land development. Her office management experience includes 19 years in the dental field, during which time she helped open 3 dental offices, hiring and training staff, creating policies and procedures and managing staff.</p> <p>DISCUSSION: Chair Kegler asked Ms. Hartzell-Behrndt to address the board and explain the basis for her request. Ms. Hartzell-Behrndt indicated that she has managed her own properties over the years and recently became a principal broker in Washington. She has taken the required hours in Oregon and passed the exam. She owns her own company, just actively started to sell with her own company and is going to hire a few agents for her company in Washington. She would like to open her own company here in Oregon. She has 394 hours of education and is open more if needed. Mr. Hendricks asked what the investment club entailed. Ms. Hartzell-Behrndt explained she helped organize the meetings and helped with finding good investment areas, to teach people to invest in real estate. Mr. Hendricks referred to her reference letters and asked how she helped these people. She responded that real estate was her hobby, with friend and family through investment clubs, so she had a check list for good investment property. She did not partner with these people or manage anything through the investment club, but only managed her own properties. Hendricks asked why she wanted to be a principal broker. Hartzell-Behrndt believes that other property managers have a lot of experience, but no training as a new agent. Ms. Edwards asked if the first company did not provide what she needed and asked if she would better served in another company to gain more knowledge and training. She has leads in Oregon and would have to work under someone as a principal broker and she feels she can do it more effectively on her own. She can manage her own properties without working for someone else. Mr. Slape asked her to describe her experience in property management. She responded that she was involved in opening three dental offices, putting all policies and procedures in place. She runs all the clinics and had 35 employees she managed. Mr. Dunn asked for more information about her investment history. She was a member of a club and brought friends</p>

				and family into the club looking for investment properties. Mr. Hermanski commented on her lack of transaction experience. She responded that she has had different agents work with her and to date has 14 transactions and quite a few listings.
12/6/10	Hall, Kirk R.	PB	Approved	FACTS: Attorney for 30 years, during which he has “been engaged in many commercial and residential real estate transactions” including drafting and negotiating purchase and sale agreements, closing documents, deeds, commercial leases, condominium sale documents and property management agreements. Mr. Hall estimates that he was involved in “100+ real estate transactions.” While working as the CEO for the Oregon State Bar Professional Liability Fund, 11% of the 9,000 claims his office received involved real estate law issues and he had “complete fiduciary responsibility” for \$40 million. He has also been “involved with roughly 30-40 syndicated commercial real estate limited partnerships and additional real estate financing projects.” DISCUSSION: Mr. Hall explained that his firm wants to perform property management under a separate branch, which would require a principal broker’s license. He has extensive background in real estate law.
12/6/10	Shelley, Martha A.	PB	Approved	FACTS: 23 years commercial real estate experience. Commercial real estate appraiser from 1987-1998. Has “closed real estate investments valued in excess of \$1 billion in aggregate.” Since 2006, Ms. Shelley has been working for a private real estate development/investment firm in Portland dealing in “real estate disposition, lease negotiations and land entitlement.” She has also completed all the required course work (270 hours) for the California real estate broker’s license, but moved before applying for her license there. DISCUSSION: Ms. Shelley described her commercial real estate experience.

2011

2/7/11	Shoemaker, Eric R.	PB	Approved	FACTS: Six years experience working for multiple “brokerage/management teams” in Oregon and other states. Obtained law degree in 2008 with “coursework focus” on real estate, land use, contracts, taxation and business organizations. DISCUSSION: Mr. Shoemaker stated that he is currently employed with a commercial development firm and he has also been a member of the Oregon State Bar as a licensed attorney since 2008. He explained that after various conversations with members of the board and real estate industry he has come to realize the need to obtain his brokerage license in order to advise clients on real estate transactions. Byron Hendricks asked Mr. Shoemaker if he served in a legal function in his current employment. Mr. Shoemaker responded that although he does not serve in a legal function in his current employment, he files a yearly Professional Liability Fund exemption with the Oregon State Bar to keep an active license. Robert LeFeber disclosed that he has had professional contact with Mr. Shoemaker and also asked if he had passed his broker examinations. Mr. Shoemaker responded that he had passed both examinations and Laurie Hall, the Licensing Division Manager, confirmed this.
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2013

4.1.13	Kurt Mueller	PB	Approved	FACTS: Mr. Mueller explained that he has over 26 years of commercial experience, has held a license for approximately 5 years in Hawaii including 2 years as an active salesperson. He also stated that he has extensive training in many different areas of the real estate industry. DISCUSSION: Robert LeFeber asked Mr. Mueller the reason for his request to become a principal broker and Mr. Mueller responded that his goal is to expand his personal business Mr. LeFeber motioned to approve the waiver request with no supervision restriction. Mr. Dunn motioned to approve the waiver request without any restrictions. MOTION TO APPROVE BY JOANN HANSEN SECOND BY MARCIA EDWARDS
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MOTION CARRIED BY UNANIMOUS VOTE				
2014				
2.3.14	Frank de la Puente	PB	Approved	<p>FACTS: Mr. de la Puente requested an experience requirements waiver for a principal broker license and will appear in person. Mr. de la Puente explained that he has the equivalent experience of a licensee who has been practicing for three years at a minimum. He also stated that he has been involved in all phases of real estate transactions. Robert LeFeber asked Mr. de la Puente if he intended to practice law and real estate at the same time and Mr. de la Puente responded that he did intend to practice both at the same time.</p> <p>DISCUSSION: Chair Hendricks explained he was in favor of the motion to approve Mr. Olson's request because he has the required knowledge of the standards and legal responsibilities necessary to become a principal broker.</p> <p>MOTION TO APPROVE BY ROBERT LEFEBER SECOND BY CONI RATHBONE MOTION CARRIED BY UNANIMOUS VOTE</p>
2.3.14	Wayne Olson	PB	Approved	<p>FACTS: Wayne Olson requests experience requirements waiver for a principal broker license and will appear in person. Mr. Olson explained that he would rely on the information he provided in his application as the basis for this request and also stated that his brokerage firm was growing rapidly and it would be beneficial for him to share in the supervisory duties as a principal broker,</p> <p>DISCUSSION: Chair Hendricks explained he was in favor of the motion to approve Mr. Olson's request because he has the required knowledge of the standards and legal responsibilities necessary to become a principal broker.</p> <p>MOTION TO APPROVE BY ROBERT LEFEBER SECOND BY JEF FARLEY MOTION CARRIED BY UNANIMOUS VOTE</p>
4.1.14	Chris Looney	PB	Approved	<p>FACTS: Mr. Looney appeared in person and explained that he feels what he has submitted in writing explains the basis for his request.</p> <p>DISCUSSION: Robert LeFeber spoke in favor of the motion to approve because Mr. Looney has shown acceptable experience based on his work history to date.</p> <p>MOTION TO APPROVE BY ROBERT LEFEBER SECOND BY MARCIA EDWARDS MOTION CARRIED BY UNANIMOUS VOTE</p>
2015				
2.2.15	Nicholas Cook	PB	Approved	<p>FACTS: Mr. Cook appeared and explained that he would rely on the information provided on his application as the basis for his request. Chair Hendricks asked Mr. Cook if he held a real estate and/or property management license outside of Florida. Mr. Cook responded that he did not. He also explained his company manages properties in the tri-county area and he is half way through the IREM program.</p> <p>DISCUSSION: Marcia Edwards stated that she did not feel Mr. Terreson demonstrated enough experience. Warren (Lee) Dunn stated that he felt Mr. Terreson was qualified to supervise.</p> <p>MOTION TO APPROVE NICHOLAS COOK'S REQUEST FOR WAIVER FOR PRINCIPAL BROKER LICENSE BY ROBERT LEFEBER SECOND BY CONI RATHBONE MOTION CARRIED BY UNANIMOUS VOTE</p>
2.2.15	Gabe Terreson	PB	Approved	<p>FACTS: Mr. Terreson appeared and explained he has been in real estate lending business for 22 years, received his real estate license in Washington, was a principal broker, hired and managed several people over the years. Jef Farley asked Mr. Terreson what his main reason for becoming a principal broker was and Mr. Terreson responded that has a passion for helping people. Coni Rathbone stated that Mr. Terreson started a real estate firm in 2009 while he did not have a license. Mr. Cook explained that Washington did not require him to hold license because he did not handle any transactions. Chair Hendricks asked Mr. Terreson if he was prepared to make sure brokers comply with rule and law. Mr. Cook replied that his approach would be to go the source to ensure compliance and consumer protection.</p> <p>DISCUSSION: Marcia Edwards stated that she did not feel Mr. Terreson demonstrated enough experience. Warren</p>

				<p>(Lee) Dunn stated that he felt Mr. Terreson was qualified to supervise. MOTION TO DENY GABE TERRESON'S REQUEST FOR EXPERIENCE WAIVER FOR PRINCIPAL BROKER LICENSE BY MARCIA EDWARDS NO SECOND - MOTION TO DENY DIES MOTION TO APPROVE GABE TERRESON'S REQUEST FOR EXPERIENCE WAIVER FOR PRINCIPAL BROKER LICENSE BY WARREN (LEE) DUNN SECOND BY JOANN HANSEN MOTION CARRIED BY 8 AYES (WARREN (LEE) DUNN, DIANA EMAMI, JAMES (JEF) FARLEY, JOANN HANSEN, BYRON HENDRICKS, CHRIS HERMANSKI, ROBERT LEFEBER, AND CONI RATHBONE) AND 1 NAY (MARCIA EDWARDS)</p>
8.3.15	Jason de Vries	PB	Approved	<p>FACTS: Mr. de Vries appeared in person. Chair Hendricks asked Mr. de Vries to address the board with any information he wanted to add to his request for waiver application. Mr. de Vries responded that he would rely on the information he provided in his written application and explained that in September he would meet the three years of experience requirement. DISCUSSION: None. MOTION TO APPROVE JASON DE VRIES'S REQUEST FOR EXPERIENCE WAIVER FOR PRINCIPAL BROKER LICENSE BY BOB LEFEBER. SECOND BY CONI RATHBONE MOTION CARRIED BY UNANMIOUS VOTE</p>
12.7.15	Tim Rist	PB	Denied	<p>FACS: Mr. Rist appeared and explained the his request was based on his qualifications of experience and current high review for his customer service. He also explained that although he is very accomplished in the area of sales, he realizes the importance of developing a team with a broad area of expertise. DISCUSSION: Dave Koch responded that dispute resolution is key and felt that Mr. Rist should gain more experience in this area. Alex MacLean responded that he appreciated Mr. Rists enthusiasm and encouraged him to gain more knowledge and expertise. Chair Hermanski also encouraged Mr. Rist to take more time to gain seasoned experience. MOTION TO DENY THE REQUEST FOR WAIVER SUBMITTED BY TIM RIST BY DAVE KOCH SECOND BY CONI RATHBONE MOTION CARRIED BY UNANIMOUS VOTE</p>
2016				
2.1.16	Tim Rist	PB	Denied	<p>FACTS: Mr. Rist appeared and Chair Hermanski asked him to provide any additional information he felt the board should consider regarding his waiver request. Mr. Rist acknowledged that although he may not have a lengthy amount of experience, he did have the volume of transaction experience. Dave Koch asked Mr. Rist to explain the process he has in place for client trust accounts. Mr. Rist responded that he uses a spreadsheet of incoming funds and outgoing funds. Chair Hermanski responded that the three year experience requirement is in place to establish sufficient collective experience and Mr. Rist should gain more transaction experience during the remainder of his three year requirement. Marcia Edwards explained her concern was with the lack of management experience as well as dispute resolution. Pat Ihnat explained she also had concerns with Mr. Rist still needing supervision. Joann Hansen stated that the three year experience requirement is imperative for principal brokers. Lawnae Hunter responded that she was not compelled to waive the three year requirement based on the information provided by Mr. Rist. DISCUSSION: Joann Hansen stated that in her opinion Keller Williams should be granting the approval and not the board. Mr. Koch suggested that Mr. Rist take advantage of the three year requirement and gain more experience. Marcia Edwards clarified that our mission is to protect consumers. MOTION TO DENY THE REQUEST FOR WAIVER SUBMITTED BY TIM RIST BY DAVE KOCH SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE</p>
4.4.16	Dahe Good	PB	Approved	<p>FACTS: Ms. Good explained that she had held a number of positions in the real estate industry as well as owning her own real estate development firm for 12 years. She also stated that her goal is to own her own small firm of realtors. Alex MacLean asked Ms. Good how many agents she anticipated to manage and she responded that she would like to have four agents in her firm. Lawnae Hunter asked Ms. Good to provide more detail about her management experience. Ms. Good explained that she had specific training for supervising/managing and public agency rules are very explicit.</p>

				<p>Coni Rathbone asked Ms. Good why she did not want to hang her license with a principal broker. Ms. Good responded that she wanted to create an atmosphere that focuses on serving clients.</p> <p>DISCUSSION: None.</p> <p>MOTION TO APPROVE DAHE GOOD’S REQUEST FOR WAIVER OF EXPERIENCE FOR PRINCIPAL BROKER BY DAVE KOCH</p> <p>SECOND BY JOANN HANSEN</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>
4.4.16	Lisa Neef	PB	Denied	<p>FACTS: Ms. Neef explained that she owned a transaction coordination business since 2010. Coni Rathbone asked Ms. Neef to explain in more detail what her business entails. Ms. Neef explained that she is hired by brokers to assist them with their paperwork. Pat Ihnat asked Ms. Neef if she interacted with clients and she responded that she has minimal interaction with clients. Dave Koch asked Ms. Neef to clarify her role in the transaction process regarding confidentiality. Ms. Neef clarified that her role is an administrative one.</p> <p>DISCUSSION: Ms. Ihnat asked Dave Koch what he felt about the necessity for license. Mr. Koch responded that in his opinion no license due to conflict. Ms. Ihnat responded situations that included contact with clients may very well cause conflict. Ms. Rathbone explained that a principal broker license is a good idea once Ms. Neef is more seasoned.</p> <p>MOTION TO DENY LISA NEEF’S REQUEST FOR WAIVER OF EXPERIENCE FOR PRINCIPAL BROKER LICENSE BY MARCIA EDWARDS</p> <p>SECOND BY DAVE KOCH</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>
4.4.16	Tim Rist	PB	Approved	<p>FACTS: Mr. Rist introduced Lionel Wilson, CEO for Keller Williams and asked him to address the board on his behalf. Mr. Wilson explained that he has known Mr. Rist for about 10 years and he has strong leadership skills. Mr. Wilson also summarized Mr. Rist’s experience and work history. Coni Rathbone asked Mr. Rist if he intended to stay with Keller Williams. Mr. Rist responded that he did intend to stay with Keller Williams. Chair Hermanski and Ms. Rathbone both asked Mr. Rist to explain what had occurred since his first appearance to make the board change their opinion. Mr. Rist responded that since his first appearance before the board he has obtained a better understanding of ORS Chapter 696, the CTA process, rules. He also explained that he has been on both sides of disputes (buyer/seller).</p> <p>DISCUSSION: None</p> <p>MOTION TO APPROVE TIM RIST’S REQUEST FOR WAIVER OF EXPERIENCE FOR PRINCIPAL BROKER BY CONI RATHBONE</p> <p>SECOND BY ALEX MACLEAN</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>

Oregon Real Estate Board

Experience Requirement Waiver Request

Date: 5-2-16
 Name William Patten
 Address: 2005 SE Image Rd, Vancouver, WA 98664
 Daytime Phone Number: 360-921-1823 Oregon License Number: 201207755

GENERAL INFORMATION AND DOCUMENTATION

- I am seeking an experience requirement waiver to become a real estate PRINCIPAL BROKER. (ORS 696.022 and OAR 863-014-0040)
- I am currently licensed as a real estate broker in Oregon: Yes ; No
 If yes, please state the dates for which you held and Oregon real estate license: 10-15-13 to present
 Was your Oregon license obtained through a reciprocal agreement with another state? Yes No
- I am currently licensed or have held a real estate license in another state that was issued by the state's licensing authority: Yes No . Indicate the following

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

- Per OAR 863-014-0040, I have:

	Yes	No	Date Completed	Required Documents to be Attached to the Request
Completed the "Broker Administration and Sales Supervision" course for principal real estate brokers. Must be completed PRIOR to waiver request.	<input checked="" type="checkbox"/>		4-13-16	Original course certificate
Submitted the Real Estate License Application for Principal Broker license and \$230 fee. Must be completed PRIOR to waiver request.	<input checked="" type="checkbox"/>		3-21-16	Copy of confirmation letter received from Agency
Successfully passed the Oregon Principal Broker exam. Must be completed PRIOR to waiver request.	<input checked="" type="checkbox"/>		4-27-16	Score report received from testing vendor
Graduated from a four-year college or university with a degree in real estate curriculum approved by the Commissioner. (863-014-0040(2))	<input checked="" type="checkbox"/>		June 1981 June 10, 1999	Official transcript (MBA)
Graduated with a two-year community college associates degree in real estate curriculum approved by the Commissioner. (863-014-0040(3))		<input checked="" type="checkbox"/>		Official transcript
Substantial experience in real estate that would qualify for an equivalent to the Commissioner's three year experience requirements. Include any real estate designations achieved while licensed as a broker. (OAR 863-014-0042(c))	<input checked="" type="checkbox"/>			Written explanation of the additional real estate experience that you have that would assist in the Board's consideration of your waiver request.
The number and type of real estate transactions (listings and transactions that were closed) you have completed while holding a real estate license in Oregon or in another state.			7	Provide a document showing the number and types of transactions you have completed while licensed.

REQUIRED DOCUMENTS

Listed below are the required documents (#1-3) to be included in the OREA Board request for an experience waiver.

1. Your letter requesting a waiver of the three year active licensed experience. This letter should:
 - o State the reason for the request, including the compelling reason why you cannot to complete the three years of active licensed experience.
 - o Indicate the real estate experience you have that would be an acceptable substitute for the three years of required experience.
2. Required documentation listed above in the General Information and Documentation section #4.
3. Other experience relating to real estate not covered in questions 2 through 4 that would demonstrate your relevant related experience.

HELPFUL DOCUMENTS

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

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

OTHER REQUIREMENTS

- You will be required to attend the Oregon Real Estate Board meeting when this waiver is discussed. The Board schedule will be communicated in follow-up correspondence upon receipt of your documents.
- Be prepared to answer questions from the Board to support your request.
- Waiver requests must be received at the agency no less than 21 days before the board meets.
- You must submit one original set of the waiver request documents, including a completed and signed "Experience Requirement Waiver Request". E-Mail, mail or deliver the original set to the following address: Anna Higley, Oregon Real Estate Agency, 530 Center Street NE, Suite 100, Salem, Oregon 97301-2505.

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

Please direct any questions to Madeline Alvarado at 503-378-4590 or madeline.c.alvarado@state.or.us

I certify that the above information is true to the best of my knowledge.

William C. Patten

Signature of Waiver Applicant

5-2-16

Date

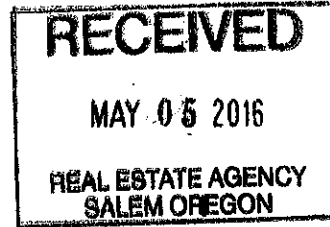
2015 BOARD MEETING DATES, LOCATIONS AND WAIVER PACKET DUE DATES

MEETING DATE	LOCATION	WAIVER PACKET DUE DATE
February 1, 2016	Oregon Real Estate Agency	Jan. 13, 2016
April 4, 2016	Florence	March 14, 2016
June 6, 2016	Bend	May 16, 2016
August 1, 2016	Pendleton	July 11, 2016
October 3, 2016	Portland	September 12, 2016
December 5, 2016	Coos Bay	November 7, 2016

Date: May 2, 2016

To: Oregon Real Estate Board

From: William Patten



Subject: Experience Waiver Request

I am requesting an experience waiver request in order to get my principal broker license awarded to me prior to having my full three years of experience. The reason for the hardship is that I own my own business broker business but I have no principal broker so cannot operate my own business.

I purchased the business from Patricia Lawrence in October 2013. Our agreement was that she would stay on as principal broker until I found a replacement. In October 2014 Don Loyd agreed to be our principal broker, so Patricia retired. Don was retired and saw this as a good way to earn some supplemental retirement income. My agreement with Don was he would continue to serve in this role until October 2016 when I would have the experience allowing me to apply for my principal broker license. Unfortunately for me Don was offered a full-time role with another real estate company in March and decided to take that job. This left me without a principal broker to oversee my business. Because of this my license and license of our other broker (Jim Ampe) has been placed on the "inactive" list and I cannot operate my business in Oregon.

After Don gave notice I have tried to find another principal broker to manage our brokers but have been unable to find a qualified one. Our business is somewhat unique and requires a substantial amount of business management, finance and accounting knowledge. On top of that, it requires a great deal of buyer and seller management. When a seller is selling their business it is a very emotional process, not unlike giving your baby up for adoption. Much of our job is helping sellers work through this emotional journey, and bring the deal to a happy and successful ending for all parties.

I currently have 30 months of active real estate experience. Granting the experience waiver to me will allow me to begin operating my business again. I appreciate you taking the time to consider my request.

Best Regards,

A handwritten signature in black ink that reads "William G. Patten". The signature is stylized and cursive.

William G. Patten

5-2-16

Principal Broker Course Completion Certificate

THIS CERTIFICATE WILL VERIFY THAT:

William Patten

Real Estate License Number: 201207755

Mailing Address of:

2005 SE Image Rd, Vancouver, WA 98664

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

Brokerage Administration and Sales Supervision

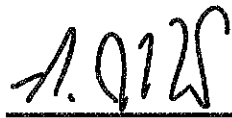
The course credit granted is **40 hours** on the date of **April 13, 2016** at www.OnlineEd.com. The date of completion is the date the actual Internet study course examination was actually taken and graded. This course is approved by the Oregon Real Estate Agency to meet the requirements of the Oregon Principal Real Estate Broker - Brokerage Administration and Sales Supervision 40 hour course required as a prerequisite to obtaining an Oregon Principal Real Estate Brokers License.

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

OREGON REAL ESTATE AGENCY CERTIFIED CONTINUING EDUCATION COURSE

PROVIDER COURSE NUMBER: **1038-1039**

THIS COURSE WAS SPONSORED AND THIS CERTIFICATE ISSUED BY:



OnlineEd Inc.

N. Jeffrey Sorg, School Director
7405 SW Beveland Road, Portland, OR 97223
mail@OnlineEd.com, <http://www.onlineed.com/>
Phone: (503) 670-9278

Certificate Authentication Number: **336048**

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

Click to verify: <http://www.onlineed.com/VERIFY?A5CD-027C-B0BD-00E5-0405>



**OREGON.gov**[Exit](#)

Confirmation

Please keep a record of your Confirmation Number, or [print this page](#) for your records.

Confirmation Number **ORREAB000065840**

Payment Details

Description REAL ESTATE EPAY
E-Payments
<https://orea.elicense.irondata.com/>

Payment Amount \$230.00

Payment Date 03/21/2016

Status PROCESSED

Payment Method

Payer Name William Patten

Card Number *6077

Card Type Visa

Approval Code 311274

Confirmation Email bill.patten@sunbeltnetwork.com

Billing Address

Address 1 2005 SE Image Rd

City/Town Vancouver

State/Province/Region Washington

Zip/Postal Code 98664

Country United States

Oregon Real Estate Agency

Real Estate Broker

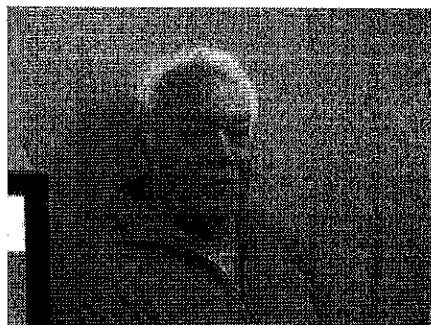
Score Report

William Patten
2005 SE Image Rd
Vancouver, Washington 98664

Candidate ID: XXX-XX-7755

Exam: OR Principal Broker Exam - OR Principal Broker - National

Exam Date: 04/27/2016



PASSING SCORE: 60.0 (75%)

YOUR SCORE: 68.0

GRADE: PASS

Congratulations! You have passed the **OR Principal Broker - National Examination**.

The following is an analysis of your performance on the examination. For a detailed description of the subject matter included within each Topic, please refer to the PSI Candidate Information Bulletin.

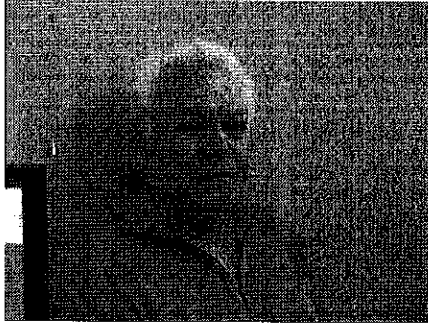
Topic	Number of Questions	Number Correct
Contracts	12	9
Land Use Controls and Regulations	5	5
Property Ownership	6	6
Transfer of Title	5	4
General Principles of Agency	11	9
Real Estate Calculations	4	3
Valuation and Market Analysis	6	3
Financing	7	7
Mandated Disclosures	9	8
Practice of Real Estate	12	11
Specialty areas	3	3

- The Oregon Real Estate Agency will receive your exam scores in 3 business days.
- Log in to your eLicense account at www.rea.state.or.us to check the status of your license application.
- Find additional information on licensing requirements in the "How to Get a License" section of www.rea.state.or.us.
- Once all license requirements are completed, the Agency will issue your new license.
- Passing exam scores and background clearances are good for 1 year. The Agency can only issue a license while the scores and background clearance are valid.

Oregon Real Estate Agency

Real Estate Broker

Score Report



William Patten
2005 SE Image Rd
Vancouver, Washington 98664

Candidate ID: XXX-XX-7755

Exam: OR Principal Broker Exam - OR Principal Broker - State

Exam Date: 04/27/2016

PASSING SCORE: 38.0 (75%)

YOUR SCORE: 40.0

GRADE: PASS

Congratulations! You have passed the **OR Principal Broker - State Examination**.

The following is an analysis of your performance on the examination. For a detailed description of the subject matter included within each Topic, please refer to the PSI Candidate Information Bulletin.

Topic	Number of Questions	Number Correct
License Law and Disciplinary Measures	5	4
Handling of Client Funds	7	5
Agency Law and Rules	4	4
Regulation of Broker Activities	8	8
Document Handling and Recordkeeping	4	2
Property Management	8	6
Oregon Real Estate Related Statutes	14	11

- The Oregon Real Estate Agency will receive your exam scores in 3 business days.
- Log in to your eLicense account at www.rea.state.or.us to check the status of your license application.
- Find additional information on licensing requirements in the "How to Get a License" section of www.rea.state.or.us.
- Once all license requirements are completed, the Agency will issue your new license.
- Passing exam scores and background clearances are good for 1 year. The Agency can only issue a license while the scores and background clearance are valid.

William Patten's relevant real estate experience


William (Bill) has held his Oregon Real Estate license since October 2013, but he has had other related experience prior to that. He has leased five different commercial buildings, four in Oregon and one in Washington. On the largest lease (40,000 square feet) he negotiated an option to purchase built into the lease, and exercised that option in 1994. He still owns that building. He currently has two tenants who occupy the entire building.

On the residential side of the real estate market Bill has bought six residential homes and sold five of them. In addition he bought a home and fixed it up to be a rental. He also bought two other homes with the purpose of fixing them up and re-selling them, which he did. All these homes were in Washington, with the exception of one home in Oregon.

Bill has owned and operated four of his own businesses as well as managing four other businesses for other owners. One of those businesses he took public in 2001. His first business was a microfilm business and his customers included the majority of the title companies in Washington and Oregon. His company microfilmed the real estate records at the county court houses, then copied and distributed them to several of the title companies on microfilm rolls and microfiche.

Bill's grandfather and grandmother owned an abstract company in Montana. This business was later owned and operated by his uncle. While Bill was not involved in this business he was aware of what they did and ultimately helped his Uncle sell the business.

As the owner of several businesses and the general manager of four others he has learned how to effectively manage all types of people from blue collar to technical to white collar. He has managed up to 200 people and two geographically separate offices. He is effective at writing and executing business plans, setting and achieving goals and building effective and motivated teams. His experience positions him to be an effective real estate principal broker.


5-2-16

List of Business Sales closed by William Patten between October 2014 and April 2016.

1. A-1 Glass. This glass sales and installation business was listed on 11-14-13 and sold on 3-21-14. There was a facility lease assumption involved in this sale.
2. McGary Supply. This business was listed on 6-17-14 and closed on 10-1-14. There was a facility lease assumption involved in this sale.
3. Catering at its Best. This company was listed 5-25-14 and sold on 10-31-14. There was no facility lease involved in this transaction.
4. Vista Balloon Adventures, Inc. This business was listed on 3-24-14 and sold on 12-12-14. There was a facility lease assumption involved in this sale.
5. Double Decker PDX LLC and UM Endeavors LLC were sold together. They were listed on 10-31-14 and sold on 4-20-15. There was no facility lease involved in this transaction.
6. Autobella, Inc. This business was listed on 6-4-14 and sold on 6-10-14. There was a facility lease assumption involved in this sale.
7. Ad-Mail, Inc. This business was listed on 6-27-14 and closed 4-8-16. There was no facility lease involved in this transaction.

Testimonial for Sunbelt Business Brokers

We very much appreciate that you placed your confidence and trust in us to help you sell your business. We would like you to write a short testimonial for us that we can use in our marketing. If you are willing to do so, please write the testimonial below and return to us. The following questions may be helpful in framing your testimonial.

Sellers: Was the company and your broker:

- professional
- sensitive to your needs and desires
- confidential and discreet
- demonstrate expertise
- respectful of your time

Did the company provide value in excess of their fee?

Would you make the same choice to use Sunbelt again?

Would you recommend Sunbelt to other business owners who are contemplating using a broker to sell their business?

Please write your testimonial in the box below and return to: bill.patten@sunbeltnetwork.com

After 26 years of 'Ups and Downs', I found the process of transferring ownership with the help of Bill Patten and Sunbelt to be very straightforward. While it might have turned out to be an impossible process without professional help, it did seem like every time a sticking point or issue was evident, our broker had a choice of solutions on hand. Things were done when they were promised, as they were promised. As to the fee, it was earned several times over as the business transaction would have failed without the tools that Sunbelt has available to help present the business to a potential buyer.

I feel strongly that having Sunbelt represent us is the decision that made transfer of our business possible, pleasant and productive.

Best regards,

Roger Anderson

Founder: Vista Balloon Adventures, Inc.

I authorize Sunbelt Business Brokers of Portland to use this testimonial in their marketing programs.

____ Vista Balloon Adventures, Inc _____

Business name

____ Roger Anderson _____ April 4th, 2016 _____

Signature of business owner

Date

Testimonial for Sunbelt Business Brokers

We very much appreciate that you placed your confidence and trust in us to help you sell your business. We would like you to write a short testimonial for us that we can use in our marketing. If you are willing to do so, please write the testimonial below and return to us. The following questions may be helpful in framing your testimonial.

Sellers: Was the company and your broker:

- professional
- sensitive to your needs and desires
- confidential and discreet
- demonstrate expertise
- respectful of your time

Did the company provide value in excess of their fee?

Would you make the same choice to use Sunbelt again?

Would you recommend Sunbelt to other business owners who are contemplating using a broker to sell their business?

Please write your testimonial in the box below and return to: bill.patten@sunbeltnetwork.com

Bill was very professional yet very likeable to work with. He stepped right up to handle whatever came along, & made the sale go as smooth & easy as possible. He did everything we needed & more. We would recommend him to everyone we know, without a doubt. Outstanding service!

I authorize Sunbelt Business Brokers of Portland to use this testimonial in their marketing programs.

Business name

A Mc Gary Box

Signature of business owner

[Signature]

Date

4-26-16

Signature of business owner

Date

4-27-16

April 30, 2016

To: Oregon Real Estate Board

Subject: Bill Patten

To Whom It May Concern,

Please be advised that Bill Patten has worked for me as a broker selling businesses for about the past two years. I have seen how he works under pressure. I have witnessed his problem solving skills. He has always exhibited the utmost integrity and professionalism. .

Bill's knowledge and expertise in selling businesses is excellent, and his background owning and managing businesses have proven to be a great benefit to him in this field.

His background owning a commercial building and negotiating, managing leases for over 25 years and his MBA degree, has provided him with an excellent foundation for helping our clients navigate the building lease aspect of our business.

In addition, he is a man of honor. Bill has proven to me that he has the experience and maturity to manage a company and manage other brokers

Best Regards,

A handwritten signature in cursive script, appearing to read "Donald Loyd".

Donald Loyd
Principal Broker

May 2, 2016

To Whom It May Concern:

In October 2013 I sold my business Sunbelt Business Brokers to Bill Patten. I remained as a consultant and Principal Broker until October 2014 during which time I supervised the listings and transactions of Sunbelt Business Brokers and of Bill Patten. I was pleased to sell the business to Bill as he diligently pursued getting his real estate license in August 2013. He had experience selling businesses and in owning income property.

Since then he has listed and sold several businesses in the price range of \$450,000 to several million dollars. He has honored the consulting agreement that I had with him. I recommend that he be granted a waiver for having a principal broker.

Should you have further questions, please do not hesitate to contact me at 503-680-1020.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia Haines Lawrence".

Patricia Haines Lawrence

Principal Broker, Sunset Business Consultants.

**AGENDA ITEM NO.
IV.**

**OREGON REAL ESTATE BOARD
CEP LOG - 2016**

4.4.16	Brian Greer	APPROVED	<p>FACTS: Mr. Geer explained that he owned 3 service master companies and has been in the disaster industry for many years. He also explained that he provides education on the following topics: disaster restoration, water damage, risk management, business ethics, and property management, which are considered acceptable course topics.</p> <p>DISCUSSION: None</p> <p>MOTION TO APPROVE BRIAN GREER'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH</p> <p>SECOND BY CONI RATHBONE</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>
4.4.16	John Estrem	APPROVED	<p>FACTS: Mr. Estrem appeared by phone and reviewed his qualifications which included providing education for approximately 15 years. He also explained he provides education on the topic of risk management, which is considered an acceptable course topic. Chair Hermanski asked Mr. Estrem if he was aware of the record keeping requirements for continuing education providers and he responded that he was aware of the record keeping requirements.</p> <p>DISCUSSION: None.</p> <p>MOTION TO APPROVE JOHN ESTREM'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY CONIE RATHBONE</p> <p>SECOND BY PAT IHNAT</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>
6.6.16	Kenneth Holman		
6.6.16	CMPS Institute (Gibran Nicholas)		



PETITION TO QUALIFY AS A
CONTINUING EDUCATION PROVIDER

Rev. 7/2011

RECEIVED

APR 19 2016

REAL ESTATE AGENCY
SALEM OREGON

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

INSTRUCTIONS

To petition the Real Estate Board for approval of qualifications to become an applicant for certification as a continuing education provider, the petitioner must complete this form and submit it via mail or fax to the Agency at least 21 days before the next scheduled Board meeting at which the applicant wishes the Board to act. OAR 863-020-0025

IMPORTANT:

- ▶ If the petitioner is an entity, the information provided must pertain to that entity. If the petitioner is an individual, the information provided must pertain to that individual.
- ▶ All information and documents submitted as part of this petition become part of the Board Packet, and therefore, public record.
- ▶ Petitioners will need to appear before the Board. Once the Agency receives this completed petition, a letter will be sent to the petitioner with the date of the Board meeting the petitioner will need to attend.

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

PETITIONER

Name Kenneth T. Holman Phone Number 801-355-1111

Physical Address 14034 S. 146 E. Suite 100 Address Cont. _____

City Draper, UT State UT Zip Code 84020 County Utah

E-mail ken@hareagroup.org

Mailing Address (if different) _____ Address Cont. _____

City _____ State Zip Code _____ County _____

AUTHORIZED CONTACT PERSON

Prefix Mr. First Name Kenneth Last Name Holman

Phone Number 801-355-1111 E-mail ken@hareagroup.org

Provide the name of the individual that will appear in person on behalf of the Petitioner: _____

AGENCY USE ONLY

Approved by Board YES NO

Review Date _____

Kenneth T. Holman founded the National Association of Real Estate Advisors (NAREA) in 2012. NAREA is an association that educates real estate professionals in all aspects of the real estate business from residential real estate to commercial real estate to investing in real estate.

Mr. Holman is also president of Overland Group, Inc., a multi-faceted real estate organization that provides, through its individually owned and operated companies, brokerage, construction, development, financing, property management, and real estate investment consulting to its clients for both commercial and residential properties. For more than 30 years, Mr. Holman has had extensive experience in the real estate industry, primarily in the areas of single family and multifamily residential, lodging, industrial, office, and free-standing retail properties.

Mr. Holman has received several licenses, designations, and awards throughout his career. He holds three licenses: a real estate broker's license, a general contractor's license, and a mortgage loan originator's license through the National Mortgage Licensing System (NMLS). He is affiliated with the following organizations: the National Association of REALTORS (NAR), the CCIM Institute, and the Institute of Real Estate Management (IREM). He holds both the CCIM (Certified Commercial Investment Member) and the CPM (Certified Property Manager) designations.

Mr. Holman holds a bachelor of science degree in Accounting from Brigham Young University Marriott School of Management and a Master of Business Administration (MBA) degree from the University of Utah David Eccles School of Business. He is the past-president of the Utah Apartment Association and has been a member of the Centerville City Council, a member of the David School District Foundation Board, and a founding member of the Centerville-Farmington Rotary Club.



CMPS INSTITUTE

3000 Old Alabama Road
Suite 119-477
Alpharetta, GA 30022
Julianna@CMPSInstitute.org
T: 734.606.0202; x. 104

18 April, 2016

Attention Real Estate Agency Board:

Please find enclosed:

1. A petition for CMPS Institute to be qualified as a real estate continuing education provider.
2. CMPS Institute certificate of good standing
3. A resume for our CEO, Gibran Nicholas.

Here's some background you may find useful as you evaluate our petition:

CMPS Institute is a Michigan Limited Liability Company (LLC), and a licensed proprietary school in the State of Michigan. Our main office is located in Alpharetta, GA.

We provide training, coaching, technology and marketing services to banks, credit unions and mortgage companies. One of the main services we provide is the Certified Mortgage Planning Specialist (CMPS) certification course. Since 2005, we've had over 7,000 graduates of this 15-hour course. Once a loan originator graduates from this course, the graduate is trained to present relevant parts of the materials to financial advisors, CPAs, attorneys and real estate agents. Our instructors bring a real-world perspective to our courses because our instructors are typically full-time practitioners of the subject matter they teach. This allows them to use engaging case studies that have practical application vs. academic or theoretical discussions that have little or no real-world value.

Since 2005, CMPS Institute (along with our graduate instructors) is an approved CE provider for financial advisors through the Certified Financial Planner (CFP) Board of Standards, the Investment Management Consultants Association (IMCA) and other financial organizations. Our courses are approved for CE toward all these financial advisor designations: CFP®,

CIMA®, CIMC®, CPWA®, CLU®, ChFC®, CLF®, RHU®, REBC®, CAP®, CASL®, ChHC®, RICP® and ChSNC®.

Since 2010, CMPS Institute is also an approved CE provider for loan originator CE through the National Mortgage Licensing System (NMLS). We are now applying with many different states to become a real estate CE provider; hence this application for the State of OR.

Please call me at 734.606.0202; x. 104 or email me at Julianna@CMPSInstitute.org if you have any questions. I very much look forward to working with you.

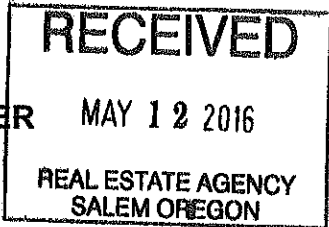
Sincerely,

Julianna Nicholas
Director of CE
CMPS Institute



PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER

Rev. 7/2011



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

INSTRUCTIONS

To petition the Real Estate Board for approval of qualifications to become an applicant for certification as a continuing education provider, the petitioner must complete this form and submit it via mail or fax to the Agency at least 21 days before the next scheduled Board meeting at which the applicant wishes the Board to act. OAR 863-020-0025

IMPORTANT:

- ▶ If the petitioner is an entity, the information provided must pertain to that entity. If the petitioner is an individual, the information provided must pertain to that individual.
- ▶ All information and documents submitted as part of this petition become part of the Board Packet, and therefore, public record.
- ▶ Petitioners will need to appear before the Board. Once the Agency receives this completed petition, a letter will be sent to the petitioner with the date of the Board meeting the petitioner will need to attend.

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

PETITIONER

Name CMP5 Institute, LLC Phone Number (888)608.9800
 Physical Address 3000 Old Alabama Rd. Address Cont. Suite 119-477
 City Alpharetta State GA Zip Code 30022 County _____
 E-mail Julianna@cmpsinstitute.org
 Mailing Address (if different) _____ Address Cont. _____
 City _____ State _____ Zip Code _____ County _____

AUTHORIZED CONTACT PERSON

Prefix Ms. First Name Julianna Last Name Nicholas
 Phone Number (734)606.0202; x.104 E-mail Julianna@cmpsinstitute.org

Provide the name of the individual that will appear in person on behalf of the Petitioner: Gibran Nicholas - I request to attend remotely

AGENCY USE ONLY

Approved by Board YES NO

Review Date _____

PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued

QUALIFICATION INFORMATION

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

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

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

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


Please see attached.

AUTHORIZATION AND ATTESTATION

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

Julianne Nicholas
Printed Name of Authorized Individual

Date 04/18/16


Signature of Authorized Individual



Department of Licensing and Regulatory Affairs
Lansing, Michigan

This is to Certify That

CMPS INSTITUTE, LLC

was validly organized on June 13, 2005 as a Limited Liability Company. Said Limited Liability Company is validly in existence under the laws of this state and has satisfied its annual filing obligations.

This certificate is issued pursuant to the provisions of 1993 PA 23, as amended, to attest to the fact that the company is in good standing in Michigan as of this date.

This certificate is in due form, made by me as the proper officer, and is entitled to have full faith and credit given it in every court and office within the United States.



Sent by Facsimile Transmission
1375208

*In testimony whereof, I have hereunto set my hand,
in the City of Lansing, this 17th day of March, 2016*

Julia Dale

Julia Dale, Director
Corporations, Securities & Commercial Licensing Bureau

Gibran Nicholas

9240 Stoney Ridge Lane
Alpharetta, Georgia 30022
734-385-6177
gibran@cmepsinstitute.org

Twitter: @gibrannicholas & @cmepsinstitute
LinkedIn: /gibrannicholas
Website: www.cmepsinstitute.org

Career Objective:

To apply my skills toward helping individuals, teams and organizations improve their personal, business and strategic relationships.

Skills Summary

- **Financial Expert.** Developed, authored and presented continuing education and certification courses for over 7,000 mortgage originators, Certified Financial Planners, CPA's, and real estate professionals. Topics include:
 - *Cash Flow Planning:* How to help clients improve personal cash flow (and develop a household budget to better prepare for retirement needs, college funding needs, elder care needs)
 - *Mortgage & Debt Planning:* How to help clients evaluate suitable mortgage options and help them implement a long-term strategy to get out of debt
 - *Real Estate Investment Planning:* How to analyze real estate investments (including IRR, TVM, Cap Rates, NOI and other formulas)
 - *Tax Planning:* How to understand the tax implications of various mortgage and real estate strategies
 - *Financial Market & Interest Rate Analysis:* How to understand and explain to clients what's happening in the interest rate, financial and housing markets and why it matters to them
- **Sales & Communication Expert.** Developed, authored and presented sales presentation and strategic relationship courses and coaching to over 7,000 mortgage, financial and real estate professionals. Topics include:
 - How to better manage time & activities to improve results in business and life
 - How to develop, improve and grow collaborative relationships
 - How to develop trust and discover your client's needs during the sales consultation
 - How to increase the influence of your sales presentation during one-on-one consultations and group presentations
- **Legal Compliance Expert and Trainer.** Developed, authored and presented legal compliance courses to over 7,000 mortgage originators, financial planners, and CPAs. Topics include:
 - Federal Laws and Regulations including RESPA (Reg. X), TILA (Reg. Z), ECOA (Reg. B); MAP Rule (Reg. N), FCRA (Reg. V), HMDA (Reg. C), SAFE Act, FTC Telemarketing Sales Rule, GLBA, Dodd-Frank, OFAC, and BSA-AML
 - Mortgage Underwriting (FNMA, FHLMC, FHA, VA and RHS)
 - Mortgage products, programs, processing and closing
 - FINRA rules in relation to financial planner involvement in the mortgage process
 - IRS rules in relation to the tax implication of various mortgage and real estate strategies

Professional Experience:

CMPS Institute – 2005-Current

Founder, Chairman and CEO

- Trained & certified over 7,000 mortgage, financial and real estate professionals from all 50 states
- Developed the only mortgage planning certification in the industry focused on the financial planning implications of various mortgage and real estate strategies.
- Helped CMPS members implement their knowledge and use the mortgage as a financial planning tool to positively impact the client's life (debt and cash flow management, college funding, retirement planning, elder-care planning)
- Conducted weekly sales performance coaching calls for CMPS members
- Created, authored and ensured compliance with the CMPS Code of Ethics; the first and only code of ethics in the industry focused on mortgage suitability (with consumers) and strategic relationships (with professionals)
- Managed business operations, annual budget of over \$3mm and a diverse team required to deliver high-quality results
- Developed and maintained strategic relationships with sponsors and industry vendors
- Created and delivered custom content for a co-branded certification with other vendors
- Created, authored, recorded, edited and presented an NMLS-approved 20-hour pre-license class and an NMLS-approved 8-hour continuing education class
- Created dozens of workbooks and hundreds of implementation materials
- Managed over 36 live events in cities all over the US with an average attendance of 200
- Sold individual and corporate memberships through direct sales efforts, online marketing, trade shows, webinars, live seminars and strategic alliances

Accomplishments / Community Involvement

- Author monthly column, *National Mortgage Professional* magazine
- Host weekly video show, *Mortgage News Network*
- Recognized as a mortgage and financial expert with media clips in local and national media outlets including the *Wall Street Journal*, *MarketWatch*, *Money Magazine*, *SmartMoney*, *Newsweek*, *CNN*, *FOX News*, and *ABC News*. Created media campaigns including proactive and reactive pitching of stories, brand building, and byline articles.
- Authored, published and distributed official comments on various regulatory proposals from the Federal Reserve, the US Treasury, and the Department of HUD
- Frequent speaker at various industry conferences and also for the Michigan Association of CPAs, Reuters and other corporate clients

Nicholas & Co. Mortgage Planners – 2000 - 2005

President

- Advised homeowners and buyers on residential real estate purchases and mortgage refinances
- Originated \$40mm per year in loan volume as a mortgage broker
- Decided on locking or floating rate locks at optimal levels for clients based on securities market
- Analyzed target companies or investment opportunities to inform investment decisions
- Devised trading, option, or hedge strategies
- Informed board and customers of market conditions, including volume, price, competition
- Monitored markets or positions
- Developed strategic relationships with financial planners, money managers, insurance agents, CPAs, attorneys, home builders and real estate brokers
- Developed high performing relationships with wholesale lenders including Chase, Wells Fargo, Lehman Brothers and Greenpoint Mortgage (became Greenpoint's number one account in the state of MI with a focus on the one-month LIBOR ARM strategy with financial advisors & their clients)

- Navigated the licensing process in four states, and became licensed to originate mortgages in MI, FL, IL and MA
- Real estate sales license in the state of MI
- Developed and implemented a successful database marketing program using the Goldmine CRM software
- Enhanced business opportunities through developing, authoring and presenting continuing education workshops for financial planners and CPAs
- Decided on locking or floating rate locks at optimal levels for clients based on securities market
- Analyze target companies or investment opportunities to inform investment decisions.
- Devised trading, option, or hedge strategies.
- Informed managers and customers of market conditions, including volume, price, competition
- Monitored markets or positions

Accomplishments / Community Involvement

- Appointed as the youngest board member of the Financial Planning Association of MI and the only member from the mortgage and real estate industry; also a member of the FPA of Chicago
- Author weekly column on mortgages for the *Grosse Pointe News*
- Authored articles for publications of various financial advisors, FPA of MI and the FPA of Chicago
- Recognized as a mortgage and financial expert with media clips in local and national media outlets including *AARP* magazine, the *Wall Street Journal*, *Barron's*, *Investment News*, and *Financial Advisor* magazine. Created media campaigns including proactive and reactive pitching of stories, brand building, and byline articles.
- Graduated from the Leadership Ann Arbor program and was a gold-level sponsor of the Ann Arbor Chamber of Commerce
- Member of the Detroit Society, Detroit Chamber of Commerce, Ann Arbor Board of Realtors, Grosse Pointe Board of Realtors, and the Home Builders Association of Ann Arbor
- Developed, authored and presented homebuyer and real estate investment workshops for employers, Realtors, builders, financial advisors, and their constituents

Interpersonal Skills / Strengths

- Engaging teacher, presenter and public speaker
- Excellent oral and written communications skills
- Superior interpersonal relationship building skills
- Establishes trust and reciprocal relationships
- Creative thinker
- Strong work ethic
- Positive attitude
- Focused
- Maintains professional image and conduct under pressure
- Able to understand and meet objectives
- Sound business judgment
- Visionary who understands how details impact the big picture and vice versa
- Extensive national & international travel and planning
- Bilingual in English and Arabic

References

Available upon request.

ADMINISTRATIVE ACTIONS
for OREA Board
March 10, 2016 thru May 20, 2016

REVOCATIONS

Heater, Misty (LaPine) Broker 200610118, Final Order from a Hearing dated April 6, 2016 issuing a Revocation of her license.

SUSPENSIONS

REPRIMANDS

Hagglund, Kelly (Newberg) Principal Broker 981100019, Stipulated Order dated March 31, 2016 issuing a Reprimand.

Olson, Ty (Bend) Broker 201207115, Stipulated Order dated April 16, 2016 issuing a reprimand.

Sammons, Anthony (Boring) Principal Broker, Stipulated Order dated May 9, 2016 issuing a reprimand.

CIVIL PENALTIES

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

Ordway, Patricia (Seaside) Principal Broker 790800175, Stipulated Order dated January 11, 2016 issuing a \$1600 civil penalty for a late renewal.

Eilers, Shelley (Portland) Principal Broker 20010808, Stipulated Order dated March 14, 2016 issuing a \$600 civil penalty for a late renewal.

Bever, Eva (Eugene) Principal Broker 790800101, Stipulated Order dated March 22, 2016 issuing a \$50 civil penalty for a late renewal.

Marty, Derek (Portland) Unlicensed, Stipulated Order dated March 14, 2016 issuing a \$500 civil penalty for unlicensed activity.

**BEFORE THE
REAL ESTATE AGENCY
STATE OF OREGON**

IN THE MATTER OF: MISTY A. HEATER, Respondent) FINAL ORDER)) OAH Case No. 1504333) Agency Case No. 2013-781
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This matter came before the Real Estate Agency to consider the Ruling on Motion for Summary Determination and Proposed Order issued by Administrative Law Judge (ALJ) Samantha Fair on February 24, 2016. No exceptions were filed to the Proposed Order.

After considering the records and the file herein, the Agency adopts the attached Ruling on Motion for Summary Determination and Proposed Order as the Final Order, with the following modification.

The Agency withdraws the allegation of Heater's failure to report her criminal conviction as a basis for the license revocation from the Final Order.

IT IS HEREBY ORDERED that Misty Ann Heater's real estate broker license is revoked.

Dated this 6th day of APRIL 2016.



Gene Bentley
Real Estate Commissioner

Date of Service: 4/6/2016

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

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
REAL ESTATE AGENCY**

IN THE MATTER OF:

MISTY A. HEATER

) **RULING ON MOTION FOR SUMMARY
) DETERMINATION AND PROPOSED
) ORDER**
)
) OAH Case No.: 1504333
) Agency Case No.: 2013-781

HISTORY OF THE CASE

On July 13, 2015, the Real Estate Agency (Agency) issued a Notice of Intent to Revoke to Misty Heater, proposing to revoke her real estate broker license. On August 6, 2015, Ms. Heater requested a hearing.

On October 7, 2015, the Agency referred the matter to the Office of Administrative Hearings (OAH). The OAH assigned Administrative Law Judge (ALJ) Dove Gutman to preside at hearing. On November 19, 2015, ALJ Gutman convened a telephone prehearing conference. Steven Cox, attorney for Ms. Heater, appeared. The Agency appeared and was represented by Senior Assistant Attorney General Raul Ramirez. On November 19, 2015, ALJ Gutman issued a Pre-Hearing Order, scheduling the hearing for April 12, 2016, and setting deadlines for submission of motions, witness lists and exhibits.

On January 20, 2016, the Agency filed a Motion for Summary Determination (Motion). On February 9, 2016, Mr. Cox notified ALJ Gutman that, at Ms. Heater's request, he would not be filing a response to the Motion.

On February 12, 2016, the OAH reassigned the matter to ALJ Samantha Fair to rule on the Motion. The record closed on February 12, 2016.

ISSUES

1. Whether there is a genuine issue as to any material fact and whether the Agency is entitled to a favorable ruling as a matter of law. OAR 137-003-0580.
2. Whether Ms. Heater demonstrated incompetence or untrustworthiness in any act for which the licensee is required to hold a license. ORS 696.301(12).
3. Whether Ms. Heater committed an act of fraud or engaged in dishonest conduct substantially related to the fitness of the licensee to conduct professional real estate activity. ORS 696.301(14).

4. Whether Ms. Heater has been convicted of a felony or misdemeanor substantially related to the licensee's trustworthiness or competence to engage in professional real estate activity. ORS 696.301(11).

5. Whether Ms. Heater failed to notify the Agency of a criminal conviction or adverse judgment. ORS 696.301(3) and OAR 863-015-0175.

6. Whether the Agency should revoke Ms. Heater's real estate broker license. ORS 696.301 and 696.396(2).

EVIDENTIARY RULINGS

Exhibits 1 through 7, offered by the Agency, were admitted into the record.

FINDINGS OF FACT

1. Ms. Heater was a licensed real estate broker associated with Village Properties, LLC (Village) from May 2010 until January 24, 2013. (Ex. 1 at 2.) Village provides real estate and property management services. (Ex. 7 at 1.) While working with Village, Ms. Heater served as its marketing manager, which provided her access to all employees' login credentials. (Exs. 1 at 2; 3 at 2.)

2. Ms. Heater provided Village notice that she had secured a new job at Cascade Sotheby's International Realty (Cascade) as a licensed real estate broker. (Ex. 3 at 2.) At the conclusion of her final day with Village on January 24, 2013, Mark Halvorsen, Village owner and principal broker, deactivated Ms. Heater's login credentials. (Exs. 1 at 2; 7 at 1.)

3. After she left Village, Ms. Heater joined Cascade as a licensed real estate broker and continued working for Cascade at least through October 28, 2013. (Exs. 1 at 2; 3 at 2.)

4. Using the login credentials of Rick O'Bill, another Village employee, Ms. Heater accessed Village's website and made the following changes on the following dates:

- On February 9, 2013, she deleted 14 leads,¹ removed Village's toll-free number from eBay, and reviewed a coaching session;²
- On February 22, 2013, she deleted 17 leads; and
- On March 1, 2013, she deleted 14 toll-free number campaigns.³

¹ Leads are the client contact information for prospective clients contacting Village or for clients who have already booked with Village. (Ex. 1 at 3.)

² Coaching sessions are recorded phone calls between clients and Village employees. (Ex. 1 at 3.)

³ Campaign numbers are toll-free numbers that appear on various places on the internet that lead clients to Village's reservation line. (Ex. 1 at 3.)

(Exs. 1 at 3; 5 at 2.) Ms. Heater deleted high-value search terms and changed destination uniform resource locators (URLs) to return the internet user to the main homepage rather than Village's intended destination. (Ex. 4 at 4.) Her alterations to Village's website resulted in the removal of Village's contact phone numbers on its website. These actions resulted in the disabling of some of Village's marketing efforts and prevented clients from contacting Village. (Exs. 1 at 3; 3 at 2.) Village had not authorized Ms. Heater to perform any of these actions. (Ex. 1 at 4.)

5. For one campaign used for vacation rentals that Ms. Heater deleted, Village experienced 246 fewer calls during the period of February 1, through March 15, 2013, than for that same period in 2012. When factoring in lead and conversion rates with the average stay value for a vacation rental, Village potentially lost \$34,880 from the deleted campaign. (Ex. 4 at 1-3.)

6. On June 28, 2013, the Deschutes County Sheriff's Office arrested Ms. Heater and charged her with computer crime, identity theft and criminal mischief for her February through March 2013 activities on Village's website. (Exs. 1 at 3; 5 at 1-5.)

7. On December 6, 2013, Ms. Heater pled no contest to one count of unauthorized use of a computer. Deschutes County Circuit Court Judge Roger DeHoog sentenced her to 12 months of probation and dismissed the other charges. The judge issued Ms. Heater a written Judgment of Conviction on that date. (Exs. 2 at 1-3; 7 at 1.) Ms. Heater did not report the conviction to the Agency.⁴

8. During an interview with the Board's investigator in 2014, Ms. Heater stated that she only deleted expired campaigns at the direction of Mr. Halvorsen. She denied making any other changes to Village's website. (Ex. 1 at 3-4.)

CONCLUSIONS OF LAW

1. There is no genuine issue as to any material fact and the Agency is entitled to a favorable ruling as a matter of law.

2. Ms. Heater demonstrated untrustworthiness in an act for which the licensee is required to hold a license.

⁴ Pursuant to OAR 137-003-0615(1), the administrative law judge hereby takes judicial notice of this factual information. This information is based upon the Agency's investigator statement contained in the Notice. (Notice at 4.) Any party who wishes to object to taking notice of this information may do so by filing a written objection, setting forth the specific reasons for the objection, within seven days of the date on which this decision is issued. If an objection is received and sustained, then this information will be removed from the record.

3. Ms. Heater committed an act of fraud or engaged in dishonest conduct substantially related to the fitness of the licensee to conduct professional real estate activity.
4. Ms. Heater has been convicted of a misdemeanor substantially related to the licensee's trustworthiness to engage in professional real estate activity.
5. Ms. Heater failed to notify the Agency of a criminal conviction.
6. The Agency should revoke Ms. Heater's real estate broker license.

OPINION

The Agency proposes to revoke Ms. Heater's real estate broker's license, based on allegations of untrustworthiness and dishonest conduct, a criminal conviction and a failure to notify the Agency of the criminal conviction. As the proponent of the allegations, the Agency has the burden to establish, by a preponderance of the evidence, that the allegations are correct and that it is entitled to revoke Ms. Heater's license. ORS 183.450(2) ("The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position"); *Harris v. SAIF*, 292 Or 683, 690 (1982) (general rule regarding allocation of burden of proof is that the burden is on the proponent of the fact or position). Proof by a preponderance of the evidence means that the fact finder is persuaded that the facts asserted are more likely than not true. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987).

Standard of Review for Motion for Summary Determination

OAR 137-003-0580 addresses motions for summary determination. It provides, in relevant part:

- (6) The administrative law judge shall grant the motion for a summary determination if:
 - (a) The pleadings, affidavits, supporting documents (including any interrogatories and admissions) and the record in the contested case show that there is no genuine issue as to any material fact that is relevant to resolution of the legal issue as to which a decision is sought; and
 - (b) The agency or party filing the motion is entitled to a favorable ruling as a matter of law.
- (7) The administrative law judge shall consider all evidence in a manner most favorable to the non-moving party or non-moving agency.
- (8) Each party or the agency has the burden of producing evidence on any issue relevant to the motion as to which that party or the agency would have the burden of persuasion at the contested case hearing.

* * * * *

(12) If the administrative law judge's ruling on the motion resolves all issues in the contested case, the administrative law judge shall issue a proposed order in accordance with OAR 137-003-0645 incorporating that ruling * * *.

Pursuant to OAR 137-003-0580(6)(a), in making my ruling, I considered the Agency's Motion and Exhibits 1 through 7. Pursuant to OAR 137-003-0580(7), I reviewed the evidence in the light most favorable to Ms. Heater, the non-moving party. I determined there are no genuine issues as to the material facts of the Agency's allegations that are relevant to resolution of the legal issues and the Agency is entitled to a favorable ruling. Because the ruling on the Motion resolves all issues in this matter, a proposed order is issued and the hearing is canceled.

Untrustworthy and Dishonest Conduct

ORS 696.301 provides, in part:

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

* * * * *

(11) Has been convicted of a felony or misdemeanor substantially related to the licensee's trustworthiness or competence to engage in professional real estate activity.

(12) Demonstrated incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license.

* * * * *

(14) Committed an act of fraud or engaged in dishonest conduct substantially related to the fitness of the applicant or licensee to conduct professional real estate activity, without regard to whether the act or conduct occurred in the course of professional real estate activity.

ORS 696.010(14) defines professional real estate activity. It provides, in part:

"Professional real estate activity" means any of the following actions * * *
*:

* * * * *

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

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

* * * * *

(h) Engages in management of rental real estate;

* * * * *

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

* * * * *

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

ORS 696.600(2) provides:

“Real estate marketing activity” means procuring or offering to procure prospects to purchase, sell, lease or rent real estate by telemarketing, mail or otherwise.

During the period February 9 through March 1, 2013, Ms. Heater repeatedly accessed her former employer’s internet site and web pages without authorization. During the course of accessing Village’s internet site and web pages, she altered the site and web pages by deleting client contact information, Village’s contact information, and toll-free number campaigns. She also reviewed a phone conversation between a client and a Village employee. Her actions prevented prospective clients from contacting Village, prevented Village from contacting prospective clients, and violated the privacy of a phone interaction between a client and a Village employee. These actions led to her arrest and eventual conviction of unauthorized use of a computer, a Class A misdemeanor.⁵

⁵ ORS 164.377 provides, in part:

(4) Any person who knowingly and without authorization uses, accesses or attempts to access any computer, computer system, computer network, or any computer software, program, documentation or data contained in such computer, computer system or computer network, commits computer crime.

(5)(a) A violation of the provisions of subsection (2) or (3) of this section shall be a Class C felony. Except as provided in paragraph (b) of this subsection, a violation of the provisions of subsection (4) of this section shall be a Class A misdemeanor[.]

Ms. Heater's conduct included such specific actions as deleting information and reviewing a phone recording. She performed these actions on three separate dates and used another individual's login credentials to gain access to Village's information. Such conduct was deliberate, not inadvertent, and made with the intent to prevent prospective clients from contacting Village and to prevent Village from contacting prospective clients. By interfering in the ability of prospective clients to communicate with Village, Ms. Heater interfered with Village's real estate marketing activities and interfered in Village's ability to negotiate leasing of real estate and managing properties. Thus, Ms. Heater engaged in dishonest and untrustworthy conduct in matters substantially related to professional real estate activity in violation of ORS 696.301(12) and (14). Because this conduct led to her conviction, Ms. Heater's conduct also violated ORS 696.301(11).

Reporting a Criminal Conviction

ORS 696.301 provides, in part:

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

* * * * *

(3) Disregarded or violated any provision of * * * any rule of the Real Estate Agency.

OAR 863-015-0175 provides, in part:

(1) A real estate licensee must notify the commissioner of the following:

(a) Any criminal conviction (felony or misdemeanor), including a "no contest" plea or bail forfeiture;

* * * * *

(3) The notification required by this rule must be in writing and must include a brief description of the circumstances involved, the names of the parties, and a copy of the adverse decision, judgment, or award and, in the case of a criminal conviction, a copy of the sentencing order. If any such judgment, award, or decision is appealed, each subsequent appellate court decision is subject to this rule's notification requirements.

(4) The notification required by this rule must be made within twenty 20 calendar days after receiving written notification of an adverse judgment,

award, or decision described in this rule. Notification must be made under this rule whether or not the decision is appealed[.]

On December 6, 2013, Ms. Heater pled no contest to the misdemeanor charge of unauthorized use of a computer and received written notification of the conviction and her sentence on that same date. She failed to notify the Agency of this conviction in violation of OAR 863-015-0175(1)(a).

Revocation of License

ORS 696.396 provides, in part:

(1) The Real Estate Commissioner shall provide by rule for the progressive discipline of real estate licensees and an objective method for investigation of complaints alleging grounds for discipline under ORS 696.301.

(2) The rules adopted by the commissioner under this section:

* * * * *

(c) May not authorize imposition of a suspension or a revocation of a real estate license unless the material facts establish a violation of a ground for discipline under ORS 696.301 that:

(A) Results in significant damage or injury;

(B) Exhibits incompetence in the performance of professional real estate activity;

(C) Exhibits dishonesty or fraudulent conduct[.]

As shown above, Ms. Heater's conduct during the period February 9 through March 1, 2013, violated ORS 696.301(3), (11), (12) and (14). Based upon those violations, the Agency has the authority to discipline Ms. Heater, up to and including revocation of her license. ORS 696.396(2)(c) prohibits suspension or revocation of a license except for violations of ORS 696.301 that involve specific material facts, such as dishonest conduct. Because Ms. Heater's conduct violated ORS 696.301 and involved dishonest conduct, the Agency may revoke her license.

Pursuant to ORS 696.396(1), the Agency promulgated an administrative rule to provide for the discipline of licensees. OAR 863-027-0020 provides, in part:

(2) The commissioner will evaluate all relevant factors to determine whether to issue a non-disciplinary educational letter of advice or to

discipline a licensee through reprimand, suspension or revocation under ORS 696.301, including but not limited to:

- (a) The nature of the violation;
- (b) The harm caused, if any;
- (c) Whether the conduct was inadvertent or intentional;
- (d) The licensee's experience and education;
- (e) Whether the licensee's conduct is substantially similar to conduct or an act for which the licensee was disciplined previously;
- (f) Any mitigating or aggravating circumstances;
- (g) The licensee's cooperation with the investigation;
- (h) Any agency hearing orders addressing similar circumstances; and
- (i) The licensee's volume of transactions.

* * * * *

(5) The commissioner may impose suspension or revocation only if the licensee has committed an act that constitutes grounds for discipline under ORS 696.301 and such act also meets the requirements of 696.396(2)(c).

Ms. Heater's conduct was intentional, not inadvertent, and designed to prevent Village from pursuing active business leads. Because Village could not actually determine how many prospective clients would have used its services but for Ms. Heater's actions, there was no way for Village to determine its actual income loss from her conduct. However, based upon prior performance during the same period, Village was able to document reduction in volume of client contacts. Considering such factors as rental value of properties and average netting of successful prospective clients, Village could determine potential loss in income, such as \$34,880 from one deleted campaign number. It is reasonable to conclude that Ms. Heater's conduct caused actual harm to Village with the amount of the harm being undeterminable.

Ms. Heater had at least three years of experience prior to her engaging in this conduct, so lack of experience would not excuse her conduct. Aside from the lack of evidence of any prior discipline, there was no evidence of any mitigating circumstances. As an aggravating factor, Ms. Heater's conduct violated the trust her former employer bestowed on her when it provided her access to its employees' login credentials. Finally, during her interview with the Board, Ms. Heater misrepresented her conduct that led to the conviction. She advised the Board investigator

that Village authorized her access and alterations. In light of her conviction, such representations could not be accurate.

Considering all the factors listed in OAR 863-027-0020(2) and that Ms. Heater's conduct was intentional, dishonest and criminal, revocation of Ms. Heater's real estate broker license is appropriate. The Agency should revoke her license.

RULING AND ORDER

The Real Estate Agency's Motion for Summary Determination is granted. The hearing, scheduled for April 12, 2016, is canceled.

I propose the Real Estate Agency issue the following order:

Misty A. Heater's real estate broker license is revoked.

Samantha Fair

Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the Administrative Law Judge's Proposed Order. If the Proposed Order is adverse to you, you have the right to file written exceptions and argument to be considered by the Real Estate Commissioner in issuing the Final Order. Your exceptions and argument must be received by the 20th day from the date of service. Send them to:

Denise Lewis
Oregon Real Estate Agency
530 Center Street NE Ste 100
Salem, OR 97301-2505

The Real Estate Commissioner will issue a Final Order, which will explain your appeal rights.

CERTIFICATE OF MAILING

On February 24, 2016, I mailed the foregoing RULING ON MOTION FOR SUMMARY DETERMINATION AND PROPOSED ORDER issued on this date in OAH Case No. 1504333.

By: First Class Mail

Steven Cox
Attorney at Law
125 NE 3rd St
McMinnville OR 97128

Denise Lewis
Real Estate Agency
530 Center Street NE Ste 100
Salem OR 97301-2505

Raul Ramirez
Senior Assistant Attorney General
Department of Justice
1162 Court St NE
Salem OR 97301-4096

Lucy Garcia
Administrative Specialist
Hearing Coordinator

CERTIFICATE OF MAILING

On April 06, 2016, I mailed the foregoing Final Order issued on this date in OAH Case No. 1504333 and Agency Case No. 2013-781.

By: First Class Mail

MISTY ANN HEATER
PO BOX 1802
LAPINE, OR 97739

Steve Cox
Attorney at Law
417 NW Adams St Ste 2
McMinnville, OR 97128-5484

Office of Administrative Hearings
ALJ Samantha Fair
PO Box 14020
Salem OR 97309-4020

Raul Ramirez
Senior Assistant Attorney General
Department of Justice
1162 Court St NE
Salem OR 97301-4096

Carolyn Kalb
Compliance Specialist

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate License of)

5
6 KELLY K. HAGGLUND

STIPULATED FINAL ORDER

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9
10 The Oregon Real Estate Agency (OREA) and Kelly K. Hagglund (Hagglund) do hereby
11 agree and stipulate to the following:

12 FINDINGS OF FACT
13 &
14 CONCLUSIONS OF LAW

15 1.

16 1.1 Hagglund was licensed as a principal broker with Keller Williams Realty Portland
17 Premiere (KWRPP). Hagglund is the principal broker for The Kelly Group (TKG) operating
18 under the registered business name KWRPP.

19 1.2 On February 24, 2015, OREA opened an investigation after an OREA employee
20 observed a for sale sign posted by TKG which did not include the registered business name,
21 KWRPP, on the sign. Additionally, the same OREA employee performed a cursory review of
22 TKG's Facebook webpage, and found the word "Realty" omitted from the company's full
23 registered business name, KWRPP.

24 1.3 The OREA investigation revealed that similar signage issues were brought to
25 Hagglund's attention in 2012 and 2014.

26 1.4 On March 26, 2012, a letter was sent from Buckley Law, P.C., on behalf of TKG,
27 to OREA Investigator Aaron Grimes, stating KWRPP had remediated the signage issues. The
28 letter explains Hagglund had two staff members add Keller Williams Realty Portland Premiere
29 stickers to TKG's existing real estate signs.

30 ///

1 1.5 On October 27, 2014, an Educational Letter of Advice was sent to Hagglund after
2 OREA received an anonymous complaint regarding the omission of KWRPPs information on
3 TKG's advertising signs.

4 1.6 On April 16, 2015, OREA Investigator/Auditor Jeremy Brooks (Brooks) chose
5 three active listings from "TheKellyGroup.net" website and drove to each location to observe
6 yard signage and obtain property information flyers. The three locations selected were: 1092
7 SE Ash St, Dundee, OR 97715, 824 Marion Ct., Dayton, OR 97714, and 788 NE Blair St.,
8 Sheridan, OR 97378. KWRPP was not prominently displayed on any of the three yard signs
9 that were reviewed. Out of the three informational flyers collected, two mentioned "Keller
10 Williams Portland Premiere", but omitted the word "Realty" from the registered business name,
11 and the flyer for the 788 NE Blair St., property did not have any reference to KWRPP.

12 **Violation:** By failing to have the registered business name of KWRPP prominently
13 displayed on the above advertisements, Hagglund violated OAR 863-015-0125(4) (5-15-14
14 Edition), which requires the registered business name to be prominently displayed,
15 immediately noticeable, and conspicuous in all advertising.

16 1.7 On May 11, 2015, Brooks revisited TKG's website and noticed KWRPP was not
17 displayed on the website's homepage.

18 1.8 On August 10, 2015, OREA received an anonymous additional complaint
19 regarding the omission of KWRPP's information on a TKG advertising flyer for property, 3412
20 Vanessa Circle NW, Salem.

21 1.9 On August 14, 2015, Brooks reviewed TKG's website and the homepage
22 included the name, "KW Portland Premiere Keller Williams Realty," on the center of the page,
23 which deviates from TKG's full registered business name, KWRPP.

24 **Violation:** By failing to include the registered business name on the first page of TKG
25 webpage, Hagglund violated OAR 863-015-0125(9)(b)(B) (5-15-14 Edition).

26 1.10 On February 23, 2016, Hagglund provided a photo of one of her new signs
27 showing the full KWRPP name prominently and conspicuously displayed as required. She
28 stated the other advertising issues found in the investigation have been addressed and
29 updated.

30 ///

2.

2.1 OREA reserves the right to investigate and pursue additional complaints that may be received in the future regarding this licensee.

STIPULATION & WAIVER

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

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

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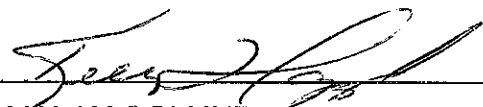
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ORDER

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

IT IS SO STIPULATED:

IT IS SO ORDERED:



KELLY K. HAGGLUND



GENE BENTLEY
Real Estate Commissioner

Date 3-24-2016

Date 3-31-16

Date of Service: 3/31/2016

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate License of

5
6 TY R. OLSON

7
8
9 } STIPULATED FINAL ORDER

10 The Oregon Real Estate Agency (OREA) and Ty R. Olson (Olson) do hereby agree and
11 stipulate to the following:

12 FINDINGS OF FACT
13 &
14 CONCLUSIONS OF LAW

15 1.

16 1.1 Olson was licensed as a broker with Birtola Garmyn High Desert Realty (HDR)
17 from June 19, 2013 until January 17, 2015. Olson was then associated with Fred Real Estate
18 Group, LLC (Fred RE) from January 20, 2015, until May 27, 2015. Currently, Olson is
19 associated with Allison James Estates and Homes of Oregon LLC.

20 1.2 On January 27, 2015, OREA received a complaint from James Birtola (Birtola)
21 alleging that Olson performed real estate activity while unlicensed and terminated a transaction
22 which started at HDR, and continued to work on it with a new company.

23 1.3 On February 19, 2015, OREA opened an investigation.

24 1.4 With the complaint Birtola provided a copy of his transaction file for property 2337
25 SW Volcano Ave, Redmond, OR (subject property). The buyer of the property, Nick Watts
26 (Watts), had been working with Olson before he left HDR. The first purchase and sale
27 agreement (agreement #1) showed Olson as the selling licensee, and HDR as his real estate
28 firm.

29 1.5 Within the transaction file was a termination agreement dated January 17, 2015,
30 the day Olson left HDR.

1 1.6 Birtola also provided a version of the sale agreement (agreement #2), completed
2 while Olson was associated with Fred RE. Agreement #2 listed Fred RE as Olson's real estate
3 firm and had different dates within it for numerous initials and signatures as follows:

- 4 • Page 1. Watts' signature and initials 1/18/2015. The signature date
5 was printed on the form, indicating the date was put there by Olson.
- 6 • Page 2. Watts' initials dated 1/17/2015.
- 7 • Page 3. Watts' initials dated 1/19/2015.
- 8 • Page 4. Watts' initials dated 1/17/2015.
- 9 • Pages 5, 6, 7, and 8 Watts' initials dated 1/18/2015.
- 10 • Pages 9 and 10 Watts' signature and initials dated 1/18/2015
- 11 • Addenda S-1, S-2 Watts' signature dated 1/18/2015

12 1.7 After the termination for agreement #1 was signed, on January 17, 2015, Olson's
13 license was disassociated with HDR causing his license to go into inactive status. His license
14 was not made active until Tuesday, January 20, 2015, when his license was associated with
15 Fred RE. In an email to Investigator/Auditor Peter Bale (Bale), Olson wrote, "My license was
16 never actually revoked from HDR until Tuesday the 20th because the 19th was a holiday; my
17 license was then transferred to Fred on the 20th."

18 **Violation:** By working with buyer Watts on the agreement #2 for the purchase of the
19 subject property on January 18, and/or January 19, 2015, while his license was inactive, Olson
20 violated ORS 696.020(2) (2013 Edition), which states, an individual may not engage in, carry
21 on, advertise or purport to engage in or carry on professional real estate activity, or act in the
22 capacity of a real estate license, within this state unless the individual holds an active license.

23 1.8 On January 17, 2015, Olson submitted a termination for agreement #1 to HDR,
24 signed by Watts concerning his purchase of the subject property. Olson explained in the
25 investigation that the lender needed a revised contract on the deal. After Olson left HDR, he
26 continued to work with Watts with his subsequent purchase of the subject property, without a
27 written referral agreement with HDR.

28 **Violation:** Watts violated ORS 696.301(6) (2013 Edition), which states that OREA may
29 discipline a real estate licensee who has intentionally interfered with the contractual relations of
30 others concerning real estate or professional real estate activity.

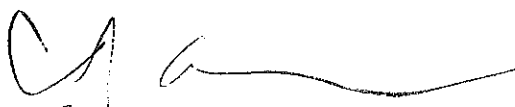
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ORDER

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

IT IS SO STIPULATED:

IT IS SO ORDERED:



TY R. OLSON



GENE BENTLEY
Real Estate Commissioner

Date 3/25/16

Date 4.6.16

DATE of service: 4/6/2016

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate License of)
5)
6 ANTHONY MICHAEL SAMMONS) STIPULATED FINAL ORDER
7)
8)
9

10 The Real Estate Agency (OREA) and Anthony Michael Sammons (Sammons) do
11 hereby agree and stipulate to the following:

12 FINDINGS OF FACT
13 &
14 CONCLUSIONS OF LAW

15 1.

16 1.1 Sammons was licensed as a principal broker doing business under the registered
17 business name of Cascade Community Management, LLC (CCM) from April 22, 2011 through
18 June 22, 2015.

19 1.2 OREA received two emails from Dick Hooper (Hooper), President of Pivotal
20 Solutions, Inc., (Pivotal Solutions) who was the court appointed receiver for the Cody Halsey
21 (Halsey) and Cascade Community Management, LLC (CCM) case. Hooper alleged that
22 Sammons had interfered with the receivership and had solicited business from the property
23 owners from Sammon's CCM portfolio, for a company Sammons intended to form in the future.

24 1.3 On June 11, 2015, Pivotal Solutions, acting by and through it's agents and
25 officers, Hooper and Marcia Frey (Frey) was appointed receiver of (CCM) in Clackamas
26 County Circuit Court by a Stipulated Order.

27 1.4 The Stipulated Order appointing Pivotal Solutions as the receiver had the
28 following language, "All persons and entities who become aware of the court's order, including
29 the parties named in the action, shall have an affirmative duty to cooperate with the receiver,
30 shall refrain from interfering with the receiver in the exercise of its duties, shall refrain from

1 exercising any control with respect to the receivership or its assets, and such persons shall
2 immediately turn over to the receiver all books and records of the receivership, as well as any
3 other property of the receivership, as requested by the receiver.”

4 1.5 The Stipulated Order further stated, “It is Further Ordered that Cody Halsey and
5 all other officers, directors, stockholders, members, agents, and employees of Cascade
6 Community Management, LLC, and CCH Enterprises, Inc are enjoined from:

- 7 1. transacting any professional real estate activities except as directed by the receiver;
- 8 2. selling, transferring, disposing, encumbering, or concealing the assets of Cascade
9 Community Management, LLC and CCH Enterprises, Inc., their clients, or Cody Halsey;
- 10 3. committing or permitting any waste of the assets of Cascade Community
11 Management, LLC, and CCH Enterprises, Inc, or Cody Halsey; and
- 12 4. demanding, collecting, or in any other way diverting or using any of the rents or other
13 funds relating to the property management by Cascade Community Management, LLC,
14 and CCH Enterprises, Inc., or Cody Halsey.”

15 1.6 On June 11, 2015, a meeting was held by Hooper with the three CCM portfolio
16 managers, Sammons, Rhiann Doster (Doster) and Jessica Brown (Brown), to discuss the
17 appointment of Pivotal Solutions as the Receiver. Portfolio managers were told the business
18 would operate as usual pending further information, and they were told not to discuss the
19 appointment of the receiver until Hooper had a clear understanding of the issues, and had
20 decided what information was appropriate to convey to all of the property owners.

21 1.7 According to Sammons, Hooper told them not to lie to clients if asked directly, but
22 not to volunteer information.

23 1.8 On June 15, 2015, and June 16, 2015, Hooper continued to explore the
24 deficiencies with the Clients’ Trust Account Security Deposit Account, and discussed with the
25 portfolio managers other possible avenues of misuse of funds. Hooper said his continued
26 message to all employees included the continued need for discretion in communications with
27 owners until Hooper had a precise message that would be conveyed to all owners
28 simultaneously.

29 1.9 On June 22, 2015, Hooper met with Sammons, along with Frey. Hooper said
30 they advised Sammons that they had a meeting at 1:00 pm and following that meeting they

1 would meet with the portfolio managers and anticipated drafting a message to all property
2 owners to explain the situation. Hooper told Sammons he was not to disclose any of the
3 pending issues within CCM until after they met later in the afternoon and Hooper approved the
4 communications. The 1:00 meeting Hooper referred to was an attempt to get further
5 instructions from the Clackamas County Circuit Court.

6 1.10 The CCM property management agreements specified that owners were to get
7 paid by the 20th of each month, unless the 20th was on a weekend, then they would get their
8 deposit on the Friday before. Sammons said owners started calling who had not received their
9 deposits for the month. Sammons said Hooper informed him at the June 22, 2015, meeting
10 that he would not be making a distribution to the owners. Sammons said because owners
11 were asking him direct questions regarding where their payments were, he felt obligated to let
12 them know there was a problem.

13 1.11 On June 22, 2015, at 10:16 am, Sammons sent an email to all of the property
14 owners in his portfolio. In the email, Sammons wrote the following, "I have recently become
15 aware of a potentially disastrous scenario involving the owner of Cascade Community
16 Management, and consider the yet-to-be-determined ramifications unacceptable for my
17 continued professional affiliation. I cannot divulge specifics at this time, but should be able to
18 do so in the near future."

19 1.12 Sammons also wrote, "I plan to open my own small Realty company where I will
20 continue managing rentals, along with sales as they arise. My primary concern moving
21 forward is to protect the many, many valued relationships I've established over the last four
22 years with CCM, to the best of my ability-given circumstances. I understand many clients' will
23 be understandably upset, as it's unlikely any property owner will escape some level of financial
24 impact. At this point, I'd like to know who would be interested in making the move with me, for
25 projection purposes."

26 **Violation:** By informing property owners Sammons knew to be under contract with
27 CCM of his intent to open his own property management company, and asking if they would be
28 interested in making a move to the new company, Sammons violated ORS 696.301(6) (2015
29 Edition), which states a licensee may be disciplined if they have intentionally interfered with the
30 contractual relations of others concerning real estate or professional real estate activity.

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

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

12 ORDER

13 IT IS HEREBY ORDERED that Sammons' principal broker license be, and hereby is,
14 reprimanded.

15
16 IT IS SO STIPULATED:

IT IS SO ORDERED:

17
18 
19 _____
20 ANTHONY MICHAEL SAMMONS

21 
22 _____
23 GENE BENTLEY
24 Real Estate Commissioner

25
26 Date 5/2/2016

27 Date 5.9.16

28
29 Date of service: 5/9/2016
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REAL ESTATE AGENCY
ORE THE REAL ESTATE COMMISSIONER

In the Matter of Poker License of

PATRICIA L. ORDWAY

STIPULATED FINAL ORDER

The Oregon State Agency (OREA) and Patricia L. Ordway (Ordway) do hereby agree and stipulate the following:

FINDINGS OF FACT

Ordway was a Principal Broker with Kamali Sotheby's International Realty when her license expired April 1, 2015. Ordway renewed her license on May 22, 2015. After renewing her Broker license, Ordway failed to become re-associated with a registered business and her Principal Broker license inactive. Ordway stated she contacted her Principal Broker, Farzahn Kamali, to associate her license on May 22, 2015. However, after her 2015, request no additional steps were taken by Ordway to verify that her license was associated and active.

On August 18, 2015, Ordway paid a \$75.00 fee to reactivate her license and was associated with Sotheby's International Realty. During the time Ordway's license was expired and inactive, 2015 to August 18, 2015, 140 days, Ordway continued conducting professional real estate activity as if actively licensed.

CONCLUSION OF LAW

By conducting professional real estate activity over the course of 140 days after Ordway's license expired before reactivating it, Ordway violated ORS 696.020(2) and is subject to disciplinary penalty pursuant to ORS 696.990(4) and (9).

STIPULATION & WAIVER

I have reviewed the above findings of fact and conclusions of law which have been submitted to OREA and further, the order which follows hereafter. I understand that the findings, conclusions of law and this stipulation and waiver embody the full and

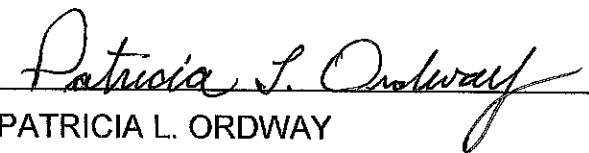
1 complete agreement and stipulation between OREA and me. I further understand that if I do
2 not agree with this stipulation I have the right to request a hearing on this matter and to be
3 represented by legal counsel at such a hearing. Hearings are conducted in accordance with
4 the procedures set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

8 I hereby agree and stipulate to the above findings of fact and conclusions of law and
9 understand that the order which follows hereafter may be completed and signed by the Real
10 Estate Commissioner or may be rejected by the Real Estate Commissioner, in which case an
11 amended notice of intent may be issued in this matter. I understand that, in accordance with
12 the provisions of ORS 696.445(3), notice of this order shall be published in the Oregon Real
13 Estate News Journal.

14 ORDER

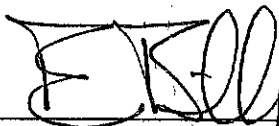
15 IT IS HEREBY ORDERED that pursuant to ORS 696.990(1) to (9) and based upon the
16 violation set forth above, Ordway pay a civil penalty in the sum of \$1,600.00, said penalty to be
17 paid to the General Fund of the State Treasury by paying the same to the OREA. The civil
18 penalty is computed in accordance with ORS 696.990(4) and (9) in that each 30-day period of
19 unlicensed activity is considered one violation. In this instance, there were 4 30-day periods of
20 unlicensed activity.

21
22 IT IS SO STIPULATED:

23
24 
25 PATRICIA L. ORDWAY

26 Date December 21, 2015

27 IT IS SO ORDERED:

28 
29 GENE BENTLEY
30 Real Estate Commissioner

Date 1.11.16

DATE of service: 1-11-2016

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4
5 In the Matter of the Principal Broker License of
6
7 SHELLEY NICOLE EILERS
8

STIPULATED FINAL ORDER

9
10 The Oregon Real Estate Agency (OREA) and Shelley Nicole Eilers (Eilers) do hereby
11 agree and stipulate to the following:

12 FINDINGS OF FACT

13 Eilers was licensed as a Principal Broker with Cascadian South LLC. Eilers' license
14 expired on September 1, 2015 and was not renewed until November 7, 2015. During the time
15 Eilers' license was expired, September 1, 2015 through November 6, 2015, 67 days, Eilers
16 continued conducting professional real estate activity as if actively licensed.

17 CONCLUSION OF LAW

18 By conducting professional real estate activity over the course of 67 days after Eilers'
19 license expired and before renewing it, Eilers violated ORS 696.020(2) and is subject to
20 discipline or civil penalty pursuant to ORS 696.990(4) and (9).

21 STIPULATION & WAIVER

22 I have read and reviewed the above findings of fact and conclusions of law which have
23 been submitted to me by OREA and further, the order which follows hereafter. I understand
24 that the findings of fact, conclusions of law and this stipulation and waiver embody the full and
25 complete agreement and stipulation between OREA and me. I further understand that if I do
26 not agree with this stipulation I have the right to request a hearing on this matter and to be
27 represented by legal counsel at such a hearing. Hearings are conducted in accordance with
28 the procedures set forth in ORS Chapter 183 and in accordance with the Rules of Practice and
29 Procedure adopted by the Attorney General of the State of Oregon. I freely and voluntarily
30

1 waive my rights to a hearing, to representation by legal counsel at such a hearing, and to
2 judicial review of this matter.

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

9 ORDER

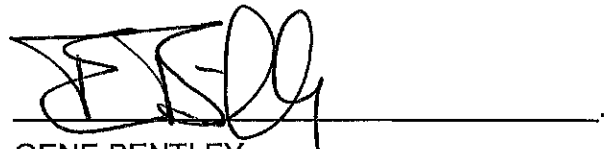
10 IT IS HEREBY ORDERED that pursuant to ORS 696.990(1) to (9) and based upon the
11 violation set forth above, Eilers pay a civil penalty in the sum of \$ 600.00, said penalty to be
12 paid to the General Fund of the State Treasury by paying the same to the OREA. The civil
13 penalty is computed in accordance with ORS 696.990(4) and (9) in that each 30-day period of
14 unlicensed activity is considered one violation. In this instance, there were two 30-day periods
15 of unlicensed activity.

16
17 IT IS SO STIPULATED:

IT IS SO ORDERED:

18
19 
20 _____

21 SHELLEY NICOLE EILERS

22 
23 _____

24 GENE BENTLEY

25 Real Estate Commissioner

26 Date 3/4/16

27 Date 3-14-16

28 DATE of service: 3-14-2016

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4
5 In the Matter of the Principal Broker License of)
6
7 EVA WRIGHT BEVER)
8

STIPULATED FINAL ORDER

9
10 The Oregon Real Estate Agency (OREA) and Eva Wright Bever (Bever) do hereby
11 agree and stipulate to the following:

12 FINDINGS OF FACT

13 Bever was licensed as a principal broker with Homeland Realty Company. Bever's
14 license expired on September 1, 2015, and was not renewed until October 8, 2015. During the
15 time Bever's license was expired, September 1, 2015 to October 7, 2015, 37 days, Bever
16 continued conducting professional real estate activity as if actively licensed. Bever provided
17 mitigating circumstances which allowed OREA to reduce the civil penalty.

18 CONCLUSION OF LAW

19 By conducting professional real estate activity over the course of 37 days after Bever's
20 license expired and before renewing it, Bever violated ORS 696.020(2) and is subject to
21 discipline or civil penalty pursuant to ORS 696.990(4) and (9).

22 STIPULATION & WAIVER

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

1 waive my rights to a hearing, to representation by legal counsel at such a hearing, and to
2 judicial review of this matter.

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

9 ORDER

10 IT IS HEREBY ORDERED that pursuant to ORS 696.990(1) to (9) and based upon the
11 violation set forth above, Bever pay a civil penalty in the sum of \$50.00, said penalty to be paid
12 to the General Fund of the State Treasury by paying the same to the OREA. The civil penalty
13 is computed in accordance with ORS 696.990(4) and (9) in that each 30-day period of
14 unlicensed activity is considered one violation. In this instance, there was one 30-day period
15 of unlicensed activity.

16
17 IT IS SO STIPULATED:

IT IS SO ORDERED:

18
19 



20
21 EVA WRIGHT BEVER

20
21 GENE BENTLEY

22 Real Estate Commissioner

23 Date

3-17-16

23 Date

3.22.16

24
25 DATE of service:

3-22-2010

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Unlicensed Professional
5 Real Estate Activity of
6
7 DEREK JON MARTY
8

STIPULATED FINAL ORDER AND ORDER
TO CEASE AND DESIST

9
10 The Oregon Real Estate Agency (OREA) and Derek Jon Marty (Marty) do hereby agree
11 and stipulate to the following:

12 FINDINGS OF FACT
13 &
14 CONCLUSIONS OF LAW
15 1.

16 1.1 At all times mentioned herein, Marty was not licensed to conduct professional
17 real estate activity in Oregon.

18 1.2 On March 18, 2014, OREA received an anonymous complaint alleging that
19 Marty was engaged in professional real estate activity without having a real estate license to
20 do so. The complaint included copies of email correspondence from Marty to the complainant.
21 The printouts contained only the body of the emails, dates, times and recipient information was
22 not included. The apparent purpose of these emails was to market available properties to
23 potential buyers.

24 1.3 The emails included property descriptions, asking prices and prices for
25 comparable properties. The advertisements also stated the properties were unlisted and
26 owned by Marty's client, "an investor." In the emails Marty was representing the seller and
27 marketing to potential buyers.

28 1.4 On September 17, 2014, OREA Investigator/Auditor, Frances Hlawatsch
29 interviewed Marty. Marty stated he was the owner and operator of DJM Development which
30 was based out of, and registered in Washington. Marty explained that DJM Development was

1 a "development consulting service," and worked on a contract basis for a couple of clients,
2 usually two or three.

3 1.5 Marty explained the emails referenced in the original complaint were produced
4 on behalf of his primary client/investor. He said this person pays him to market unlisted
5 properties as development opportunities. Marty emails details about the properties to his
6 contact list of builders, investors and brokers. He said most of this contact information was
7 provided to him by title companies. If an email recipient is interested in one of the properties,
8 Marty said he puts the potential buyer in contact with his client, the seller.

9 1.6 At the time of the interview, Marty said that DJM Development presently was
10 working with 2 or 3 clients on about 5 different properties. He explained that he works for a
11 couple of builders/investors but that the majority of his business comes from one main client
12 who is an investor. Marty said his consultant fees are usually paid at an hourly rate plus
13 expenses.

14 1.7 Marty also stated in his interview he had assisted clients with purchasing
15 properties saying, "I sometimes work on the front end, helping clients establish and negotiate
16 prices." "I ask sellers how much they want to sell for then determine the cost of permits,
17 setting up utilities, taking into consideration sensitive areas, and then figure out what you can
18 actually pay these people." He said he also determines the length of closing and, "hashes
19 out the general structure of the deal." This information is presented to his clients, the
20 potentially buyers, with a suggested price range. Marty said he is paid \$35.00 per hour for this
21 work.

22 1.8 Marty relayed an instance where he wrote up and submitted an offer on behalf of
23 a client, for a listed property on MLS. He wrote up and submitted the offer which included a
24 \$2,000 consulting fee payable to himself. The seller declined the offer because they were
25 unwilling to pay Marty's fee. Marty rewrote the offer, removing his fee, resubmitted his offer
26 and at the time of the interview (September 17, 2014) it had not been accepted.

27 1.9 Marty told Hlawatsch, he had previously considered an Oregon real estate
28 license when he was a candidate for a position with a local commercial broker, but had
29 decided the upfront cost of licensure was too expensive.

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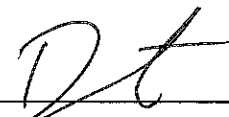
ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Marty immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(14)(a) to (n) (2013 Edition) unless Marty first obtains a real estate license from the OREA. The Commissioner's authority for this order is under ORS 696.397.

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

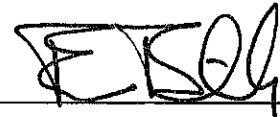
IT IS SO STIPULATED:

IT IS SO ORDERED:



DEREK JON MARTY

Date April 4th 2016



GENE BENTLEY

Real Estate Commissioner

Date 4.18.16

Date of Service: 4-18-2016

**REAL ESTATE BOARD
REGULATION DIVISION REPORT
June 6, 2016**

Regulation Division Manager: Selina Barnes
Compliance Specialist 3 (Compliance Coordinator): Deanna Hewitt
Financial Investigators (Investigator-Auditor): Peter Bale, Jeremy Brooks, Aaron Grimes,
 Frances Hlawatsch, Philip Johnson, Meghan Lewis, Rob Pierce
Compliance Specialist 2: Carolyn Kalb
Compliance Specialists 1: Denise Lewis, Lindsey Nunes, Danette Rozell
Administrative Specialist: Vacant

Division Overview

The Regulation Division receives complaints and determines validity and assignment for investigation. Investigators gather facts (from interviews and documents), prepare a detailed written report and submit to the Manager for review. The Manager determines whether the evidence supports charging a person with a violation of Agency statutes or administrative rules, as well the appropriate resolution. The Manager conducts settlement conferences to resolve cases without a contested case hearing. If a hearing is requested, the investigator works with the Assistant Attorney General in preparing for and presenting the case at hearing.

The Compliance Specialists are responsible for conducting: mail-in audits of licensee's clients' trust accounts (CTA), continuing education (CE) audit investigations, expired activity investigations, background checks and self-administered compliance reviews. They also respond to inquiries regarding regulations and filing complaints from the public, licensees, and other governmental agencies.

Workload and Activity Indicators

Current Cases In Below Status	Average 2015	Average Q1 2016	5/12/16
Mail-in CTA Audits	65	36	38
Renewal Investigation	6	7	9
Background Check Investigation	7	8	11
Complaint	44	26	18
Investigation (& Pending Assignment to Investigator)	55	76	79
Admin Review	33	30	15
Settlement Process	19	29	40
Pending Admin Action	9	12	11
Hearing	12	8	7
Appeal	3	9	9

The recruitment for the vacant Administrative Specialist is being finalized.

Selina Barnes will be presenting "Tips for Staying Out of Trouble with the Agency" following this board meeting.

For information on investigations resulting in administrative actions, please review the "Administrative Actions Summary" section of the Board packet.

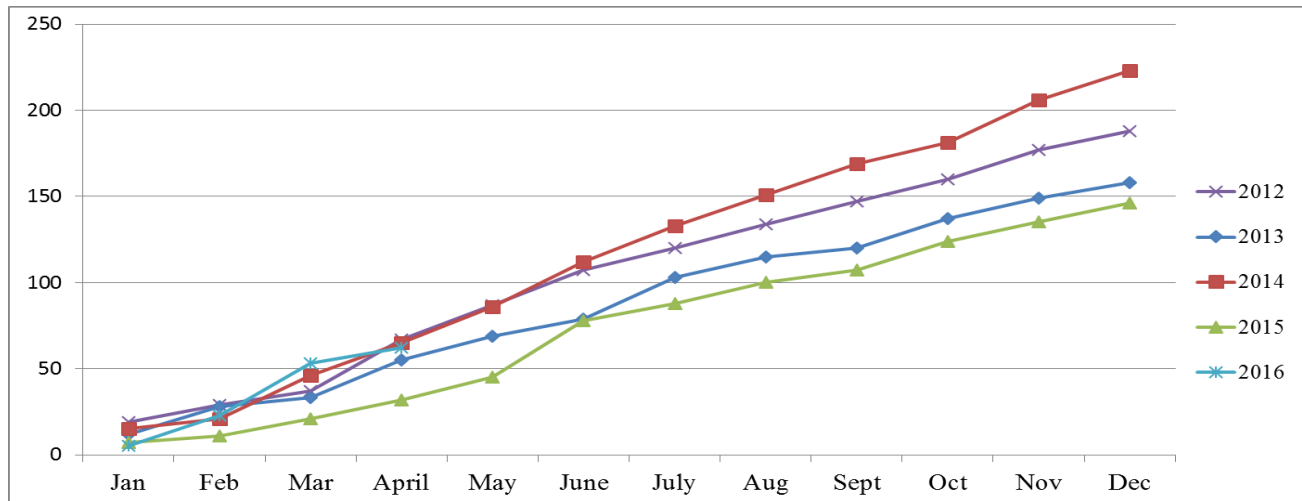
**REAL ESTATE BOARD
LAND DEVELOPMENT DIVISION
June 6, 2016**

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, much like reading the window sticker when car shopping.

Workload and Activity Indicators



Filing activity in 2016 exceeds the five-year average and is up significantly over what was seen in 2015, a comparatively quiet filing year.

Current Projects

Ongoing effort to improve upon division-specific website content, such as fillable PDF's and additional instructional materials.

Completed Projects

Create structure and content for division presence on the new website.

**REAL ESTATE BOARD
ADMINISTRATIVE SERVICES DIVISION REPORT
June 6, 2016**

Business & Technology Services Manager: Anna Higley
Accountant: Caty Karayel
Systems Administrator: Tiffani Miller
Customer Service Manager: Madeline Alvarado
Licensing Specialists: Tami Schemmel and Ruslan Putintsev
Receptionist: Sue Davenhill

Section Overview

The Administrative Services Division acts as support to the Agency. This division manages budget/allotment preparation, accounting, purchasing and contracting, inventory control, facilities, payroll, special projects, Information Technology (IT), and licensing services.

Licensing services include assisting real estate brokers, principal brokers, property managers and escrow agencies as they manage their licenses using eLicense, assisting customers as they process registered business names and branch office registrations in eLicense, registering membership campground contract brokers, completing license applicant criminal background check investigations, processing escrow licensing and security/bonding files, maintaining all licensing history records, electronic processing of fees, and providing general reception services. Please see related statistics on the following page.

Budget Update

Revenue: The final revenue for the 13-15 biennium is **\$5.67 million**. The Agency began the 13-15 biennium with a balance of **\$1.9 million** (cash reserves). Five months of operating expenses total approximately \$1.1 million. The Agency has ended the biennium with a \$1.0 million ending balance. Projected revenue for the 15-17 biennium is **\$6.22 million** with a **\$6.89 million** Legislative Approved Budget.

Personal Services: No estimated remaining limitation;

- Services & Supplies: Expected limitation \$115,661.
- Agency Budget – total expected savings of \$191,665 of our limitation.

Licensing Statistics

Total Licenses:

Individuals (Persons)	Jan	Feb	Mar	Apr
Broker - Total	13,003	13,146	13,243	13,426
Active	11,385	11,510	11,646	11,837
Inactive	1,618	1,636	1,597	1,589
Principal Broker - Total	6,376	6,373	6,368	6,384
Active	5,975	5,982	5,967	5,983
Inactive	401	391	401	401
ALL BROKERS Total	19,379	19,519	19,611	19,810
Active	17,360	17,492	17,613	17,820
Inactive	2,019	2,027	1,998	1,990

Property Manager - Total	866	872	873	872
Active	803	807	811	806
Inactive	63	65	62	66
MCC Salesperson	32	30	33	35
MCC Broker	2	2	2	2
TOTAL INDIVIDUALS	20,279	20,423	20,519	20,719
Active	18,197	18,331	18,459	18,663
Inactive	2,082	2,092	2,060	2,056
Facilities (Companies)				
REMO	4	4	5	5
Registered Business Name (RBN)	3,285	3,297	3,307	3,308
Registered Branch Office (RBO)	695	696	708	721
Escrow Organization	49	49	49	48
Escrow Branch	150	145	144	144
PBLN	691	686	684	686
PMLN	152	156	156	153
CEP	291	303	305	311
MCC Operator	25	25	25	25
TOTAL FACILITIES	5,342	5,361	5,383	5,401
TOTAL INDIVIDUALS & FACILITIES	25,621	25,784	25,902	26,120

Continue to page 2

New Licenses:

License Type	Jan-16	Feb-16	Mar-16	Apr-16
Individuals (Persons)				
Broker	165	200	199	234
Principal Broker	7	10	5	8
TOTAL BROKERS	172	210	204	242
Property Manager	9	10	9	5
MCC Salesperson		0	3	2
MCC Broker				
TOTAL INDIVIDUALS	181	220	216	249
Facilities (Companies)				
REMO	0	0	1	0
Registered Business Name	18	21	24	24
Registered Branch Office	5	8	13	15
PBLN	1	6	2	8
PMLN	3	5	1	2
Escrow Organization	0	0	0	0
Escrow Branch	0	0	0	0
MCC Operator				
TOTAL FACILITIES	27	40	41	49
TOTAL INDIVIDUALS & FACILITIES	208	260	257	298
CEP	6	5	4	4

	<u>APR</u> <u>2016</u>
<u>Exams Administered</u>	
ALL LICENSING EXAMS Total	559
Broker	481
Property Manager	22
Principal Broker	49

Pass Rates

PSI, the Agency's examination provider, implemented the following new examinations on January 1, 2013:

- Broker State: 50 items, Broker National: 80 items
- Principal Broker State: 50 items, Principal Broker National: 80 items
- Property Manager: 130 items

<u>First Time Pass Rate Percentage</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2016</u>	<u>2016</u>	<u>2016</u>
					<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>
Broker State	76	65	72	69	61	71	64	66
Broker National	78	77	78	78	72	80	77	72
Principal Broker (pre 1/1/13)	81	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Principal Broker State (post 1/1/13)	n/a	46	61	62	58	63	64	59
Principal Broker National(post 1/1/13)	n/a	86	86	78	80	88	78	70
Property Manager	72	55	61	59	60	38	67	58

*Pass rate statistics include exam candidates from all schools. Exam candidates may have completed the course prior to the new course requirements effective January 1, 2013.