

Oregon Real Estate News-Journal

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Commissioner
Gene Bentley

New, Increased Fees Start January 1, 2018

Gene Bentley, Real Estate Commissioner

The Oregon Real Estate Agency has used cost-cutting measures to avoid raising fees. Those cost-savings included:

- Offering online license applications, renewals, and other services.
- Switching to email delivery of the Oregon Real Estate News-Journal.
- Moving to a less expensive office.
- Making our website more user-friendly.

However, costs continued to increase. So the Agency asked the Oregon Legislature for the first increase in fees for real estate and escrow licenses in 20 years.

Increasing Fees

The following is a list of fees increasing on January 1, 2018:

- Apply for a broker, principal broker, or property manager license: \$300
- Renew an active broker, principal broker, or property manager license: \$300

- Renew an inactive broker, principal broker, or property manager license: \$150
- Late renewal fee: \$150
This fee, in addition to the new license renewal fee, will apply to all late renewals on or after January 1, 2018. This includes licensees who expire before January 1, 2018, but renew late on or after that date.
- Reactivate an inactive license: \$150
- Register a business name: \$300
- Register a branch office: \$50
- Apply for an escrow agent license: \$450
- Renew an escrow agent license: \$450
- Register an escrow branch office: \$225

New Fees

These are new fees effective January 1, 2018:

- Renew a registered business name: \$50
- Apply for continuing education provider certification: \$300
- Renew continuing education provider certification: \$50



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Unreported Opened, Closed Clients' Trust Accounts May Result in Disciplinary Action

The types of discipline allowed by ORS 696.301 include reprimand, suspension, and revocation. The names of licensees disciplined are published in the *Oregon Real Estate News-Journal* per ORS 696.445.

When reviewing clients' trust accounts, the Oregon Real Estate Agency finds many of the selected accounts are closed. This is a violation of real estate license law. Additionally, when clients' trust accounts are not reported to the Agency, they can't be reviewed.

The opening or closing of a clients' trust account must be reported to the Agency within 10 business days (ORS 696.241). Starting in January 2018, if the Agency finds that the responsible principal broker or property manager of the registered business name has failed to report the opening or closing of a clients' trust account within the time frame required, the licensee may be subject to disciplinary action as allowed in ORS 696.301.

If you are the responsible principal broker or property manager for your registered business name, you can [report the opening and closing of a clients' trust account](#) by logging in to your personal eLicense account.

To report the opening of an account, you will need:

- The name* of the clients' trust account.
- The account number.
- The name of the bank.
- The date opened.
- For clients' trust accounts opened on or after January 1, 2018, a copy of the completed "Notice of Clients' Trust Account and Authorization to Examine" form signed by a bank representative.

** Note: When you name a clients' trust accounts, it must include the words "Clients' Trust Account." Security deposit accounts must include the words "Clients' Trust Account – Security Deposits." Senate Bill 67, which passed this year and becomes effective January 1, 2018, will allow specific shortened versions of these phrases. Please see the [September issue of the Oregon Real Estate News-Journal](#) for more information. ■*

Reasons to Come to the Next

Real Estate Board Meeting

*December 4, 2017, 10:00 a.m.
[Holiday Inn Express - Troutdale](#)*

- **MEET THE MEMBERS OF THE OREGON REAL ESTATE BOARD**
- **LEARN ABOUT THE AGENCY.**
- **TALK WITH AGENCY STAFF.**
- **EARN 3 HOURS OF CONTINUING EDUCATION.** You must pre-register with the [Oregon Association of Realtors](#). (The meeting is open to the public, but pre-registration is required for continuing education credit.)

Following the Board meeting, the Oregon Association of Realtors is offering a separate continuing education opportunity. The Tips for Staying Out of Trouble class features the Agency's Regulation Division manager Selina Barnes. Pre-registration is required.

Renew Registered Business Names in 2018

If you are the principal broker or property manager responsible for a real estate or property management business, you will renew the registered business name (RBN) online once a year beginning in 2018.

If you have a Principal Broker Licensed Name (PBLN) or a Property Manager Licensed Name (PMLN), it will become a RBN on January 1, 2018, and must also be renewed annually starting in 2018.

Why Do I Need to Renew the RBN?

The 2017 Oregon Legislature passed Senate Bill 67 (Chapter 234, Oregon Laws 2017). This bill establishes RBN renewals.

The Oregon Real Estate Agency added this provision to the bill hoping to reduce the number of RBNs with outdated information on file. Responsible licensees will have to review and verify information, such as address, associated licensees, and clients' trust accounts, on a yearly basis.*

When Do I Need to Renew the RBN?

The expiration date for the RBN will be last day of month that the RBN was originally registered with the Agency.

Before the end of the year, the Agency will send out renewal information, including expiration date, to the responsible licensee on file for each RBN. Renewal reminders will also be sent during the month in which the RBN expires.

Failure to renew an RBN on time will result in all associated licenses becoming inactive.

What Will I Need to Renew the RBN?

To renew the registration in eLicense, you will need:

- The current address of the RBN.
- The list of all licensees with the RBN.
- The list of open clients' trust accounts.
- A form of payment for the \$50 renewal fee. *Reminder: You can pay by VISA, MasterCard, Discover, and check.*

What Happens If I Don't Renew the RBN in time?

If an RBN expires, all licenses with the business become inactive. A licensee with an inactive license cannot conduct professional real estate activity. Email notices will be sent to the affected licensees

To renew an expired RBN, the responsible licensee must re-register the business name, pay the \$300 registration fee, transfer each licensee back to the RBN, and pay the \$10 transfer fee for each licensee.

Note: Oregon law requires that the Agency is notified **within 10 business days of the opening or closing of a clients' trust account. It also requires that the Agency is notified **before** an RBN moves its main office. Although annual renewals will provide principal brokers and property managers an opportunity to update this important information, the statutory time frames will still be enforced.* ■

Real estate laws you should be aware of

2017 Oregon Legislative Round Up

Although the Oregon Real Estate Agency is focused on getting the word out about Senate Bills 67 and 68, there are other laws that were passed by the 2017 Oregon Legislature that may impact your real estate or property management business.

The Agency is unable to answer questions about these laws. **If you have questions about how any of these laws may affect you, please contact an attorney.**

[Senate Bill 277](#) (Chapter 324, Oregon Laws 2017)

- Permits landlord to terminate rental agreement for deteriorated dwellings creating imminent risk of serious harm after 30 day notice.
- Requires landlord provide notice of maintenance issues to prospective purchaser of manufactured dwelling and notice that prospective purchaser may be liable for repairs.
- Permits landlord to require new tenant to make specified repairs and terminate new tenancy after six months if repairs not made.

[House Bill 2111](#) (Chapter 282, Oregon Laws 2017)

Authorizes homeowners association to adopt and enforce provisions that imposes reasonable size, placement, or aesthetic requirements for installation and use of solar panels.

[House Bill 2140](#) (Chapter 147, Oregon Laws 2017)

This bill will add two questions about seismic risk to the list of disclosures that are required in real property transactions:

- "Was the house constructed before 1974?"
- "If yes, has the house been bolted to the foundation?"

[House Bill 2189](#) (Chapter 143, Oregon Laws 2017)

Real estate appraisers are liable for material defects contained within an appraisal that they perform. Under current law, the "discovery rule" allows a suit to be filed for a period of time after the plaintiff discovers an alleged defect in an appraisal.

Since the appraisal in question may have been performed years before, the appraiser may no longer have the necessary records to defend themselves because, under the Uniform Standards of Professional Appraisal Practice, records must be retained for only five years. House Bill 2189 specifies that a plaintiff must take action within six years of the appraisal or an otherwise applicable period of limitation, whichever is earlier.

[House Bill 2510](#) (Chapter 386, Oregon Laws 2017)

Authorizes commercial tenants to install and use electric vehicle charging stations at or near any parking spot that is assigned to the tenant. The law states that the tenant is financially responsible for the costs associated with permitting, installation, maintenance, and removal of the charging station, as well as for any electricity used by the charging station.

[House Bill 2511](#) (Chapter 387, Oregon Laws 2017)

Authorizes residential tenants to install and use an electric vehicle charging station at or near any parking spot assigned to the tenant. The law states that the tenant is financially responsible for the costs associated with permitting, installation, maintenance, and removal of the charging station, as well as for the cost of electricity used by the charging station.

House Bill 2737 (Chapter 394, Oregon Laws 2017)

Directs the Director of the Department of Consumer and Business Services to adopt construction standards for small homes, defined as dwellings not more than 600 square feet in size. Standards are to become effective no later than January 1, 2018.

House Bill 2855 (Chapter 164, Oregon Laws 2017)

Creates a process for a purchaser of real property to obtain a deed of conveyance without taking legal action when a contract has been fulfilled.

House Bill 2920 (Chapter 270, Oregon Laws 2017)

- Requires a judgment creditor to file a

satisfaction document upon receipt of proceeds from the execution sale of real property.

- Allows a judgment debtor, or other person with interest in the real property, to make a written request for the satisfaction document.
- Permits a person to motion the court if the judgment creditor does not file the satisfaction document within 10 days of receiving the written request.
- A court may award attorney's fees to the person making the motion if the judgment creditor failed to file the satisfaction document within 10 days, unless the failure was not the fault of the judgment creditor.

This law applies to satisfaction documents requested or filed on or after the law's effective date.

Does your real estate license expire before January 1, 2018?

Is your license expired now?



Late License Renewal Warning

If you renew an expired license after January 1, you will be subject to the increased license renewal fee (\$300) and late renewal fee (\$150). This means the cost of renewing your active license late after January 1 will be \$450.

[Check your license status/expiration date now in eLicense.](#)

Please note: If your license expiration date is after January 1, 2018, you cannot renew your license early to avoid the new license renewal fee.

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NEWS-JOURNAL**

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The Oregon Real Estate News-Journal is published by the Oregon Real Estate Agency as an educational service to all real estate licensees in the state under the provisions of Section 696.445 of the Oregon Revised Statutes.

Mesheal Heyman, Editor
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Administrative Actions

The Oregon Real Estate Agency is required by law to publish disciplinary actions. The final order for each action can be viewed by clicking on the individual names listed below.

Please note that there are individuals with real estate licenses that may have similar or the same names as those listed below, even in the same market area. If you are in doubt if an individual listed here is someone you know or with whom you are working, please contact the Agency for verification.

Stipulated settlements do not necessarily reflect all the factual violations initially alleged by the Agency. Sanctions may have been adjusted as part of the negotiation process. Such settlement may not, therefore, directly compare in severity/sanction with other cases.

REVOCATION

[Anderson, Michelle M.](#) (Sisters) Principal Broker 981200074. Stipulated final order dated July 31, 2017.

[Wolf, Amber M.](#) (Tigard) Broker 200302111. Final order dated August 11, 2017.

[Duke, Jerry DF](#) (Portland) Broker 201205673. Default final order dated August 17, 2017.

[Tudor, Johnney Lee](#) (Myrtle Creek) Property Manager 201207935. Default final order dated August 23, 2017.

REPRIMAND

[Butler, Robert M.](#) (Portland) Principal Broker 780203594. Final order dated September 11, 2017.

CIVIL PENALTIES

Unlicensed Activity

[Horton, Craig Dean](#) (Medford) Property Manager 201221853. Stipulated final order dated July 28, 2017.