

# Oregon Real Estate News-Journal

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Commissioner Gene Bentley

## Continuing Education Audit Results

Gene Bentley, Real Estate Commissioner

The Agency conducted its first continuing education record audit in November. Licensees were randomly chosen from those who renewed active licenses in October. Each licensee selected was required to send all Certificates of Attendance and the completed Continuing Education Record Form

to the Agency.

Of those audited:

- **55%** met the audit requirements and appeared to be in compliance with the continuing education requirements for license renewal.
- **23%** did not meet the audit requirements (late or missing documents).
- **22%** failed to meet the continuing education requirements (fraudulent certificates, missing courses, courses completed from non-certified education provider, or not enough hours).

Renewing a license without meeting the continuing education requirements is a violation of real estate license law. Failure to com-

ply with the law may result in administrative action against your license. ■

### Key Take Aways from Audit

- **Don't renew your license** until you have completed your required education. See [Continuing Education Requirements](#) for more information.
- **Make sure your e-mail and mailing addresses are up-to-date** with the Agency to avoid missing important notifications. The Agency's primary communication method is e-mail.
- **Take your continuing education from [Agency-certified providers](#).**
- **Keep your certificates of attendance and Continuing Education Record form** for three years after your license renewal.
- **Don't fraudulently produce or modify certificates.**



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*Byron Hendricks, Real Estate Board Chairperson, and Robert LeFeber, Real Estate Board Vice Chairperson*

## Real Estate Board Re-Elects Chairperson, Vice-Chairperson

Byron Hendericks and Robert LeFeber were re-elected as chairperson and vice-chairperson respectively of the Oregon Real Estate Board at its December meeting in Salem.

Mr. Hendricks is president and principal broker of Prudential Real Estate Professionals. He has served on the Board since October 15, 2011.

Mr. LeFeber is co-founder and principal broker of Commercial Realty Advisors. He has also served on the Board since October 15, 2011.

The Oregon Real Estate Board consists of seven industry members and two public members. Meetings are held six times a

year. Board members are appointed by the Governor for four-year terms; however, the members serve at the pleasure of the Governor and members' terms may be extended until the Governor replaces them.

Board duties include providing advice to the Real Estate Commissioner and the Governor's office regarding real estate industry matters, reviewing proposed administrative rules, approving experience waiver requests of real estate license applicants, making recommendations about the license examination process, and approving the qualifications of continuing education provider applicants. ■

### Oregon Real Estate Board Meeting Schedule for 2014

The Oregon Real Estate Board meets a minimum of six times a year. Board meetings begin at 10:00 a.m. unless otherwise indicated. Please see [www.rea.state.or.us](http://www.rea.state.or.us) for up-to-date information.

February 3, 2014	-	Medford
April 7, 2014	-	Eugene
June 2, 2014	-	Hermiston
August 4, 2014	-	Brookings
October 6, 2014	-	Roseburg
December 1, 2014	-	Seaside

# Real Estate License

## CONTINUING EDUCATION REQUIREMENTS

Every Oregon real estate licensee must complete 30 hours of continuing education from certified providers to renew an active license.



### **Brokers and Property Managers Renewing Active for First Time**

Brokers and property managers must complete an advanced practices course and the Law and Rule Required Course (LARRC) to renew their active license for the first time. See “Advanced Practices Course Required for New Brokers and Property Managers” on page 5.



### **Brokers, Principal Brokers and Property Managers Renewing Active (Not a First-Time Renewal)**

Principal broker, brokers and property managers must complete the 3-hour LARRC course and at least 27 hours from certified continuing education providers.

### **Inactive Licensees**

Licensees are not required to complete continuing education for inactive license renewals. Within the two years prior to reactivating a license, the licensee must complete at least 27 hours of continuing education and the three-hour LARRC.

The Oregon Real Estate Agency is conducting continuing education record audits, See “Continuing Education Audit Results” on page 1.

### **Record Keeping Requirements for All Active Licensees**

Real estate brokers, principal brokers and property managers must keep their own records of continuing education.

All certificates of attendance and a completed Continuing Education Record form must be kept for three years after the active license renewal date for which the continuing education hours were used.

Licensees are required to provide copies of the certificates of attendance and/or the Continuing Education Record form upon request by the Agency. Do not send certificates of attendance or the Continuing Education Record form to the Agency unless the Agency asks for them.

*Editor's Note:* The Law and Rules Required Course (LARRC) is a specific course. The content of LARRC is approved by the Oregon Real Estate Board. Only three-hour courses called “Law and Rule Required Course” offered by certified continuing education providers will count toward the LARRC requirement.



# Well Water Contamination in Lebanon

*Oregon Department of Environmental Quality*

Do you represent sellers or buyers of property in and around downtown Lebanon? Many wells near downtown Lebanon, Oregon, are contaminated with the dry cleaning solvent tetrachloroethylene (PCE or Perc) and trichloroethylene (TCE).

Well water in this area may contain these solvents at concentrations that could be harmful to people who use the water for drinking, cooking and showering. The Oregon Department of Environmental Quality (DEQ) is studying the problem and working to inform home owners and prospective purchasers of homes

with wells in this area of the problem.

Well tests that are required during property transactions do not pick up these chemicals. A separate lab test is needed to test for PCE and TCE. DEQ can test wells within its study area at no cost to the owner. Lebanon city water is available to most properties in this area and DEQ recommends using city water to avoid exposure to groundwater contamination.

A map of Lebanon groundwater contamination area and more information about water testing are available [here](#). The DEQ contact is Don Hanson. Don can be reached at (541) 687-7349 or by e-mail at [hanson.don@deq.state.or.us](mailto:hanson.don@deq.state.or.us). ■

## **“Referral” Status Does Not Exist**

The Agency receives calls from real estate brokers who do not want to “actively” sell real estate, but want to “hang” their license with a “referral company,” put their license in a “referral status,” or become a “referral agent.”

This concept does not exist in Oregon real estate license law. Referring potential clients to other licensees with the expectation of compensation is defined as professional real estate activity. You must hold an active license conduct any professional real estate activity. This means you must take continuing education, renew your active license on time, and be associated with a principal broker. ■

## **Registered Business Names Must Match**

### **Ads, Secretary of State**

If you are a principal broker or property manager doing business under a Registered Business Name, you must make sure the name matches **exactly**:

- The business name used on all advertising for professional real estate activity from your office, **and**
- The name registered with the Corporation Division of the Secretary of State.

The use of “Inc,” “Company,” “LLC,” “Associates,” a city or geographic location, or anything similar must match your advertising and the name registered with the Secretary of State. ■

# Advanced Practices Course Required for New Brokers and Property Managers

All active licensees must complete 30 hours of continuing education from [certified continuing education providers](#), including the 3-hour Law and Rule Required Course (LARRC), before they renew their licenses. But new brokers and property managers must take specific courses for their first license renewals.

*Brokers* renewing their active licenses for the first time must complete the 27-hour Broker Advanced Practices (BAP) course in

addition to the 3-hour LARRC.

*Property managers* renewing their active licenses for the first time must complete the 27-hour Property Manager Advanced Practices (PMAP) course in addition to the 3-hour LARRC.

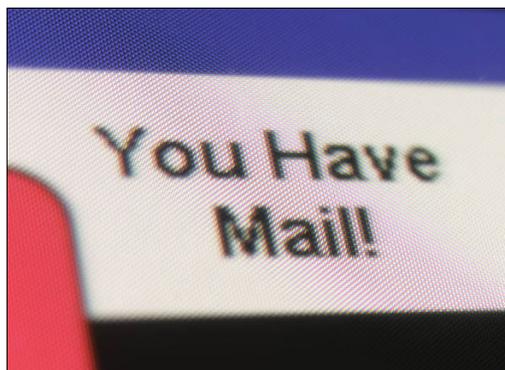
Read “Real Estate License Continuing Education Requirements” on page 3 for more information on continuing education for active licensees. ■

## Notify Agency of E-Mail, Mailing Address Changes Within 10 Days

The Oregon Real Estate Agency uses e-mail as its main form of communication to real estate licensees. This includes license renewal reminders.

All licensees are required by law to maintain current mailing and e-mail addresses with the Agency. Address changes are made by logging in to your online eLicense account.

Failure to update either address within 10 days of a change may result in administrative action. ■



### Agency Staff Changes

**Frances Hlawatsch** joined the Agency as an Investigator/Auditor on November 18, 2013. Ms. Hlawatsch previously worked for the Crime Victims Services Division of the Oregon Department of Justice as a Revenue Agent, conducting financial investigations on criminal defendants.

**Anna Higley** returned to the Agency as an Efficiency Specialist on December 18, 2013. Ms. Higley previously worked for the Agency as project manager for the eLicense system, then left to take a position with the Department of Administrative Services.

The Agency welcomes Ms. Hlawatsch and welcomes back Ms. Higley.

# Administrative Actions

September 10, 2013 through December 20, 2013

The Agency is required by Oregon Real Estate License Law to publish disciplinary actions. A list of those actions are listed below. The final order for each action can be viewed by clicking on the named individual.

Please note, 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.

Finally, please note that stipulated settlements do not necessarily reflect all the factual violations initially alleged by the Agency, and the sanction(s) may have been adjusted as part of the negotiation process. Such settlements may not, therefore, directly compare in severity/sanction with other cases.

## REVOCATIONS

[Chancellor, Ardith](#) (Madras) Property Manager 941200157. Stipulated Order dated October 3, 2013, revoking her license.

[Labrasseur, Sarah](#) (Springfield) Principal Broker 930400301. Default Order dated December 2, 2013, revoking her license.

[Crane, Jennifer](#) (Ashland) Property Manager 200604045. Stipulated Order dated December 17, 2013 revoking her license.

## SUSPENSIONS

[Hart, Mary](#) (Grants Pass) Broker 970200200. Hearing Final Order dated October 8, 2013.

[Campbell, Paul](#) (Portland) Broker 200703296. Final Order on Ruling on Motion for Summary Determination and Proposed Order dated December 11, 2013, prior to hearing, suspending his license.

## REPRIMANDS

[Lamb, Andrew](#) (Phoenix) Property Manager 990600031. Stipulated Order dated September 23, 2013 issuing a reprimand

[Malepsy, Michael](#) (Shady Cove) Principal Broker 780103168. Stipulated Order dated September 23, 2013 issuing a reprimand.

[Lyell, Phillip](#) (Portland) Broker 810504147. Stipulated Final Order dated October 3, 2013 issuing a reprimand with education.

[Sackett, Dorothy](#) (Roseburg) Principal Broker 911000279. Stipulated Final Order dated November 18, 2013 issuing a reprimand with education.

## CIVIL PENALTIES

### Expired - Late Renewals

Civil penalties for late renewals 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)

[Liska, Barbara](#) (Grants Pass) Principal Broker 900400298. Stipulated Order dated September 5, 2013 issuing a \$3,100 Civil Penalty.

[Liska, Wayne](#) (Grants Pass) Broker 851000136. Stipulated Order dated September 5, 2013 issuing a \$3,100 Civil Penalty.

[Burkholder, Dale](#) (Corbett) Principal Broker 840300149. Stipulated Order dated September 12, 2013 issuing a \$600 Civil Penalty.

[Tenderella, Larry](#) (Newport) Principal Broker 940500013. Stipulated Order dated September 16, 2013 issuing a \$100 Civil Penalty.

[Wilson, Debra](#) (Portland) Broker 970100016. Stipulated Order dated September 30, 2013 issuing a \$1100 Civil Penalty.

[Fogelson, Benjamin](#) (Eugene) Broker 200410258. Stipulated Order dated September 30, 2013 issuing a \$100 Civil Penalty.

[Lozzi, Steven](#) (Gresham) Principal Broker 910500196. Stipulated Order dated October 24, 2013 issuing a \$2,600 Civil Penalty.

[Kappler, Joseph](#) (Portland) Broker 200605069. Stipulated Order dated October 24, 2013 issuing a \$100 Civil Penalty.

[Settlemyer, Steven](#) (Portland) Principal Broker 780403596. Stipulated Order dated October 24, 2013 issuing a \$100 Civil Penalty.

[Sheehan, Patrick](#) (Clackamas) Broker 200506399. Stipulated Order dated October 24, 2013 issuing a \$100 Civil Penalty.

[Settlemyer, Steven](#) (Portland) Principal Broker 780403596. Stipulated Order dated October 24, 2013 issuing a \$100 Civil Penalty.

[Grice, Sarah](#) (West Linn) Broker 200912129. Stipulated Order dated November 1, 2013 issuing a \$600 Civil Penalty.

[Haskins, Jesse](#) (Portland) Broker 200008025. Stipulated Order dated November 1, 2013 issuing a \$600 Civil Penalty.

[Tingey, Gary](#) (Portland) Broker 200802192. Stipulated Order dated November 1, 2013 issuing a \$100 Civil Penalty.

[Mutrie, Patrick](#) (Portland) Principal Broker 200406047. Stipulated Order dated November 7, 2013 issuing a \$1000 Civil Penalty.

[Montgomery, Suzanne](#) (Portland) Principal Broker 930800239. Stipulated Order dated November 13, 2013 issuing a \$600 Civil Penalty.

[Falisec, Kimberly](#) (Beaverton) Broker 931000118. Stipulated Order dated November 15, 2013 issuing a \$1100 Civil Penalty.

[James, Theresa](#) (Bend) Principal Broker 200702082. Stipulated Order dated December 3, 2013 issuing a \$100 Civil Penalty.

[Schumacher, Warren](#) (Happy Valley) PB 880600127. Stipulated Order dated December 4, 2013 issuing a \$2,600 Civil Penalty.

[Daugherty, Mitchell](#) (Portland) Broker 880600127. Stipulated Order dated December 6, 2013 issuing a \$2,100 Civil Penalty.

[Miller, Jeffrey](#) (Salem) Broker 9940500263. Stipulated Order dated December 6, 2013 issuing a \$1,100 Civil Penalty.

[Freemark, Richard](#) (Portland) Principal Broker 200202055. Stipulated Order dated December 12, 2013 issuing a \$1,100 Civil Penalty.

[Underwood-Bush, Catherine](#) (Independence) Broker 200703199. Stipulated Order dated December 12, 2013 issuing a \$2,100 Civil Penalty.

[Van Horn, Mary](#) (Jacksonville) Principal Broker 811200071. Stipulated Order dated December 16, 2013 issuing a \$100 Civil Penalty.

[Lanning, Julia](#) (Portland) Broker 880800095. Stipulated Order dated December 19, 2013 issuing a \$2,100 Civil Penalty.

[Zehntbauer, S. Elaine](#) (Portland) Principal Broker 780101567. Stipulated Order dated December 20, 2013 issuing a \$300 Civil Penalty.

### Unlicensed Activity

[Mitzel, Debra](#) (Molalla) Unlicensed. Hearing Final Order dated October 3, 2013 issuing a \$1,500 Civil Penalty.

[Matthews, Richard](#) (St. Helens) Unlicensed. Default order dated October 4, 2013, issuing a \$500 Civil Penalty.

[Day, Troy](#) (Lake Oswego) Unlicensed. Default order dated October 31, 2013, issuing a \$3,500 Civil Penalty. ■

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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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