

Oregon Real Estate News-Journal

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Commissioner
Gene Bentley

Your Advertising Requirements

Gene Bentley, Real Estate Commissioner

Advertising is an important part of your real estate business activity. It can help you stand out from the competition and make a connection with potential clients.

But your advertising must also comply with Oregon Administrative Rule 863-015-0125. It outlines what advertising is, what must be in it, and who must approve it.

What is advertising?

Advertising is anything that represents or promotes your business. This includes all the typical types of advertising, like brochures, flyers, business cards, lawn signs, and billboards. But it also includes email, voicemail, internet, and social media.

In general, your advertising must:

- Be obvious that it is from a real estate licensee.
- Be truthful.
- Not state or imply that you hold a higher

position within the real estate business than you do.

- Not state that you are more qualified than you are or have more expertise than you do.
- Only be done with the written permission of the property owner.

What must be in advertising?

You must have the registered name of business that you work for prominently displayed and immediately noticeable in all your advertising. If a reader can't tell who you work for within 5 seconds, it probably doesn't meet this requirement.

If you choose to put your name in your advertising, it must be:

- Your first name, or a familiar form (nickname) of your first name, as found on your real estate license, and
- Your last name, as found on your real estate license.

Please see Advertising on page 3



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Only Recommend Licensed Contractors

While selling or managing real estate, you may be asked for a referral for repair, construction, and landscaping services. If you decide to offer a referral, make sure the person or company is licensed. A license from [Construction Contractors Board](#) or [Landscape Contractors Board](#) is required for most construction, repair, and landscaping services.

If you recommend an unlicensed individual or company to your client during the course of professional real activity, it could result in an administrative action against your license.

The CCB requires a license for anyone one who works for compensation in any construction activity involving improvements to real property. This includes:

- Roofing
- Siding
- Painting
- Carpentry
- Floor covering
- Concrete

- Heating
- Air conditioning
- Electrical
- Plumbing
- Tree servicing
- Repair of attached appliances
- Manufactured dwelling installation
- Land development
- Home inspection
- Most other construction and repair services

The LCB licenses anyone who:

- Plans or installs new plantings or creating new planting areas.
- Installs or repairs irrigation systems or maintains irrigation systems with the use of compressed air.
- Plans, installs, maintains, or repairs arbors, decks, patios, driveways, fences, retaining walls, walkways, concrete landscape edging, or ornamental water features.
- Installs, maintains, or repairs drainage systems and ornamental water features. ■

Avoid Disappointment Confirm that CE Provider Is Certified

If you need continuing education hours for a class, [check that the provider is certified](#) by the Oregon Real Estate Agency **before you take it.**

Only continuing education classes taken from providers certified by the Agency will count toward the hours needed for an active license renewal.

Classes taken from non-certified providers **do not count** toward license renewal.

If the course provider is not certified, you will be unable to enter the class into eLicense. ■

Board Meeting in Salem

**Monday, December 5,
2016, 10:00 a.m.**

**Oregon Real Estate Agency
[530 Center St. NE Suite 100](#)**

The public is welcome. Free parking is available on the street (up to 3 hours) and in nearby garages.

Advertising

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Electronic Advertising

If you advertise electronically (including internet, email, and social media), you must include on the first page:

- Your first name, or a familiar form (nickname) of your first name, and your last name, as found on your real estate license.
- The name of the business that you work for.
- A statement that you are a real estate licensee in Oregon.

Who approves your advertising?

If you are a broker, you must submit all advertising to your principal broker for review and approval before releasing publicly. This includes emails and social media postings, since these are considered advertising. **You must then keep a record of the principal broker's approval** and make it available to the Agency upon request.

If you are a principal broker, you are responsible for your own advertising under administrative rule. (Your company's written agreement and office policies established under Oregon Revised Statutes 696.310 may set out additional supervisory control and responsibility over your advertising.)

Key Takeaways

- Always prominently feature the registered name of the real estate business you work for on your advertising.
- Voicemail, email, and social media are considered advertising if you are using them to promote or represent your real estate services.
- Electronic advertising has additional requirements, such as your licensed name and a statement that you are licensed in Oregon.
- If you are a broker, always have your principal broker review and approve your advertising, and keep a record of that approval. ■

Timeshare Scammers May Be Using Your Good Name

The Oregon Real Estate Agency continues to receive reports of scammers who are using the names of legitimate Oregon real estate businesses, real estate licensees and escrow agents to rip off timeshare owners.

Scammers find the name of an actual real estate company in Oregon. They then build a fake website in the company's name without the company's knowledge. The mailing address listed on the site is similar, but not the same, as the real company. The phone numbers are Oregon numbers, but are owned by the scammers.

The fake website assures the public that the company and its licensees are trustworthy, often linking to the websites of the Oregon Real Estate Agency and the Secretary of State as "proof" that the company is real.

The scammers also create a phony website

for an escrow company. This company is held out as a neutral third-party that will hold the buyer's and seller's funds.

After setting up the fake online presence, the scammers cold call owners of timeshares. They tell the owner that there is a buyer who has made a generous offer for the timeshare. The owner is told the money is available straight away and that nothing has to be paid for up front.

If the owner is interested, the scammers send them paperwork to sign that seems to come from these real companies. The scammers exchange communications with the owner, which may include a copy of a "statement" showing the sale price has been received from the buyer.

When the deal appears to be near, the
*Please see **Timeshare Scammers** on page 5*

CFPB to Ease Access to TRID Closing Disclosure

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The Consumer Financial Protection Bureau (CFPB) recently issued proposed amendments to its TILA-RESPA Integrated Mortgage Disclosure forms and rules, one of which is intended to clarify that lenders are permitted to provide the required Closing Disclosure to real estate agents.

The new disclosures (commonly referred to as “TRID”, but dubbed “Know Before You Owe” by the CFPB) replaced the previous disclosure forms required in all “federally-related” mortgage transactions, including the “HUD-1” settlement statement, with the CFPB’s residential mortgage Loan Estimate and Closing Disclosure forms.

Since the implementation of the TRID rules nearly a year ago, many real estate agents have experienced difficulties in obtaining copies of completed Closing Disclosure forms from lenders. The issue involves lender concerns about potential liabilities arising under the privacy provisions of the federal Graham-Leach-Bliley Act (GLBA), which prohibit lenders from disclosing customers’ “nonpublic personal information” (NPI) to nonaffiliated third parties without providing customers with notice and an opportunity to opt-out of such disclosure.

In its [proposed rulemaking notice](#) the CFPB acknowledges that prior to implementation of the TRID rules, the Real Estate Settlement Procedures Act and its implementing regulations required settlement agents to issue a HUD-1 form to lenders, borrowers, sellers, and their agents. The CFPB also recognizes that many transaction participants rely on shared information to complete residential transactions; including real estate agents, loan officers, settlement agents and others. Consequently, the CFPB proposes to amend its rules to acknowledge that, in accordance with applicable exceptions to the privacy requirements of the GLBA, it is “usual, appropriate, and accepted” for creditors and settlement agents to provide the combined

or separate Closing Disclosure to transaction parties and their real estate brokers or other agents. This will be accomplished by incorporating the CFPB’s previous informal guidance on the subject into the official rule commentaries to clarify that the lender, at its discretion, “may make modifications to the Closing Disclosure form to accommodate the provision of separate Closing Disclosure forms to the consumer and the seller...”. The commentaries will also explain the methods by which creditors can separate buyers’ and sellers’ information for that purpose.

Other changes proposed by the CFPB include:

“Total of Payments” Tolerances: The TRID rules changed the previous “total of payments” disclosure calculation so that it did not make specific use of the finance charge. The CFPB now proposes to include tolerance provisions that return the calculation to what it was prior to implementation of the TRID rules.

Housing Assistance Lending: The CFPB proposes to promote housing assistance by amending the current partial exemption from the disclosure requirements for certain housing assistance loans, to allow charges for recording fees and transfer taxes.

Cooperatives: Currently, the TRID rules only cover transactions secured by real property, as defined under state law. Buyers of units in a cooperative, however, become a shareholder in a corporation that owns the property. Some states treat cooperative units as personal property, while others treat them as real property. The CFPB proposes to extend the TRID rules to cover all cooperative units, thereby simplifying compliance.

The CFPB is seeking public comment on the proposals, which include numerous other technical changes to the disclosure forms and rules. Comments are due Oct. 18, 2016 and may be submitted by several means including via www.regulations.gov. ■

Timeshare Scammers

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scammers will request money to cover a “fee” or “tax” required by the Mexican government or other local entity. The amount is usually between \$2,500.00 and \$3,000.00.

If the owner pays this amount, the scammers will request more money for more governmental “fees” or “taxes.” The owner has to decide whether to pay more to make the “deal” go through. If the owner doesn’t pay and asks for a refund, the scammers say there is a cancellation fee and as soon as that is paid the original funds will be refunded. Of course, the owner never gets any money back.

Anyone with information on scams like this should contact the [Oregon Department of Justice](http://www.doj.state.or.us/consumer/Pages/complaint.aspx) at (877) 877-9392 or use the online form at www.doj.state.or.us/consumer/Pages/complaint.aspx. ■

Clients' Trust Account Video Now Available

Learn [how to complete a simple 3-way reconciliation](#) for a clients’ trust account with the Oregon Real Estate Agency’s newest video.



The video focuses on security deposit accounts, a specific kind of clients’ trust accounts. But the concepts can be used for any kind of clients’ trust account.

Three-way reconciliations are required monthly on all clients’ trust accounts. ■

Administrative Actions

July 1, 2016 through September 14, 2016

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 settlements may not, therefore, directly compare in severity/sanction with other cases.

REVOCATIONS

[Clemo, Melissa](#) (Bend) Property Manager 200803226. Final order dated July 29, 2016.

REPRIMANDS

[Straub, James](#) (Springfield) Property Manager 200404083. Stipulated final order dated July 20, 2016.

[Tebbs, Debra](#) (Bend) Broker 920300230. Stipulated final order dated August 30, 2016.

[White, Valerie](#) (Keizer) Property Manager

200809166. Stipulated final order dated August 22, 2016.

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 period can range from \$100 - \$500, with each subsequent 30-day period ranging from \$500 - \$1000.

[Hardman, Shavelle](#) (Junction City) Broker 20110212. Stipulated final order dated August 9, 2016 issuing a \$100 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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