

1 REAL ESTATE AGENCY  
2 BEFORE THE REAL ESTATE COMMISSIONER  
3

4 In the Matter of the Real Estate License of

5  
6 DEBRA TEBBS

7  
8 } STIPULATED FINAL ORDER  
9

10 The Real Estate Agency (OREA) and Debra Tebbs (Tebbs) do hereby agree and  
11 stipulate to the following:

12 FINDINGS OF FACT  
13 &  
14 CONCLUSIONS OF LAW

15 1.

16 1.1 At all times mentioned herein, Tebbs was licensed as a real estate broker with  
17 Cascade Sotheby's International Realty.

18 1.2 On November 17, 2014, OREA received a complaint from Valerie Britton (Britton)  
19 against Tebbs alleging that Tebbs showed Britton's house to a potential buyer after the listing  
20 had expired and after Britton specifically told Tebbs not to show the property.

21 1.3 OREA opened an investigation, which was assigned to OREA  
22 Investigator/Auditor Peter Bale (Bale).

23 1.4 It appears that Britton and Brian Britton, owners of 17630 Little River Drive,  
24 Bend, OR, 97707 (subject property), were in the middle of a contentious divorce at the time of  
25 the alleged unauthorized showing of the subject property.

26 1.5 The Stipulated Limited Judgment Re: Exclusive Use of Family Residence,  
27 notarized on September 25, 2014, (where Brian Britton was named as the Petitioner, and  
28 Valerie Marie Britton was named as the Respondent) included the following language:

29 "1. Respondent shall have exclusive use and possession of the family residence at  
30 17630 Little River Drive, Bend, Oregon 97797, pending sale of the home.

1           2.     The family residence is currently listed for sale, and unless mutually agreed,  
2 otherwise shall remain listed on a continual basis until sold. The parties shall cooperate and  
3 use good faith efforts in effecting the provisions of the sale.

4           3.     Petitioner shall have access to the family residence to inspect his personal  
5 property. Petitioner shall provide 48 hours notice prior to accessing the house. Petitioner shall  
6 have access to the marital residence one time per month. If Petitioner wishes to remove any  
7 personal property from the family residence, then he shall submit a list of the property he  
8 wishes to remove to Respondent. Petitioner shall not remove personal property without first  
9 receiving Respondent's agreement."

10          1.6    On April 18, 2014, Britton and Brian Britton signed a listing contract with Tebbs  
11 for the subject property subject property. The listing was originally written to expire on April 17,  
12 2015, but was modified to expire on October 31, 2014.

13          1.7    On October 28, 2014, Debra Simonson (Simonson), a broker with Cascade  
14 Sotheby's wrote to the Brittons, "Yes, you're right Brian – I don't see where the change was  
15 made to the contract but it does expires [sic] on the 31<sup>st</sup>. We do have a possible showing  
16 sometime in November but do not have a specific date yet. Bev Sherrer said she has buyers  
17 coming into town and your home was on the list. We can either keep the property listed  
18 through our office only which means it will be on our website but not in MLS or we can remove  
19 it completely."

20          1.8    On October 28, 2014, Britton replied to the email from Simonson, "I appreciate  
21 that there could be possible upcoming showings. I am motivated to sell and will cooperate with  
22 any future requests as they come up. Please feel free to give the representing broker my  
23 name and number should they contact your office. I am not interested in continuing the listing  
24 any further past the October 31<sup>st</sup> contract expiration. Please be aware that I have been grated  
25 [sic] by the court exclusive rights to our home. If you would like a copy of the document please  
26 contact my attorney, Joel Kent. Under the present court order, you do NOT have my  
27 authorization, under any circumstances to give the key to the house to Brian should he ask."

28          1.9    The day after the listing expired, Britton arranged for her sister and brother-in-law  
29 to pick up the key from Tebbs, because Britton was out of town at the time.

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1           1.10 According to Britton, on Monday, November 3, 2014, she received a call from  
2 Tebbs at 9:34 am requesting to show the house that day at 11:00 am. At the time Britton was  
3 in California. According to Britton, she told Tebbs that she was not comfortable with a showing  
4 that day, but that she was willing to show the property when she returned on Wednesday,  
5 November 5, 2014.

6           1.11 Britton provided a copy of the telephone bill for her and her husband's cell  
7 phones for the dates in question. The records showed that Britton called Tebbs on her phone  
8 at 9:50am, and 9:55am on the morning of the showing. In an email to Bale, dated February  
9 27, 2015, Britton wrote, "You can see that I called Deb back at 9:50 am and then again at 9:55  
10 am as well. At that time I told her the showing would not work at 11:00am. I followed up our  
11 conversation with an email later that same day."

12           1.12 Britton told Bale that she spoke with Tebbs at 9:55 am. In that call Tebbs  
13 suggested that Britton contact her sister to arrange getting a house key for the showing.  
14 Britton said she told Tebbs that she would not get her sister to provide the key.

15           1.13 A copy of the email from Britton to Tebbs, referred to by Britton was provided to  
16 Bale. The email was sent at 1:13pm, November 3, 2014, in it Britton wrote, "Even though our  
17 listing contract with you has expired, I am willing to show the house to any potential buyers you  
18 may have Unfortunately, timing for today did not work. I am in California enjoying my family  
19 and celebrating my birthday. I will be returning on Wednesday afternoon. I received your call  
20 this morning at 9:34am requesting a showing today at 11:00am. That is not a lot of notice  
21 even under the most ideal of circumstances."

22           1.14 On November 4, 2014, Britton received a call from the owner of Evergreen  
23 Landscapes who called to tell her while an employee was at her house maintaining the plants,  
24 Tebbs showed up with potential buyers and asked if the plant care women would let them in.  
25 The "plant lady" opened the door and went inside to turn the alarm off. When this happened,  
26 Tebbs and the potential buyers walked in and went upstairs.

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1           1.15 Included with Britton's complaint was a handwritten note dated November 3,  
2 2014, signed by Melissa Adams-Casper (Adams-Casper), the plant care woman. The note  
3 supported what Britton had stated, and included the following, "When arriving at 17630 Little  
4 River Rd. (The Britton Residence) around 11:15 am 11/3/14 I was greeted by three people."  
5 Adams-Casper went on to write that she told Tebbs "no" to entering the house. She confirmed  
6 that Tebbs and the other two people entered the house and went upstairs.

7           1.16 In Tebb's written response to the complaint Tebbs stated she called Britton at  
8 9:34 am on November 3, 2014. According to her, she left a voicemail requesting permission to  
9 show the house at 11:00 am that same day. According to Tebbs, when she did not hear back  
10 from Britton, she called Britton's husband, Brian. Tebbs said that Brian told her she could  
11 show the house but didn't have a key. After receiving Brian's permission, Tebbs took her  
12 clients to the house assuming they would only be able to see the exterior because Tebbs could  
13 not obtain a key. According to her written response, Tebbs and her clients arrived at the  
14 property at 11:00am. Tebbs was showing them the exterior when Adams-Casper, the plant  
15 care woman, arrived and opened the door. Tebbs said she asked if she could show the house  
16 to her clients and that she had permission from Brian, according to Tebbs, Adams-Casper  
17 said, "yes."

18           1.17 In a letter to OREA dated November 13, 2014, and in a letter to Bale dated  
19 March 24, 2015, Brian Britton confirmed that he gave Tebbs authorization to show the house  
20 and yard on November 3, 2014. He also confirmed that Tebbs had called him when she was  
21 outside the house, asking if she could show the couple around the exterior of the house. He  
22 told her it was alright to do so. In his letter dated November 13, 2014, he wrote, "What  
23 happened next was totally unforeseen. Our plant service lady showed up, and Deb took  
24 advantage of the opportunity to try to show the prospects the inside of the house. I may not  
25 agree totally with her approach, but I am not upset about her efforts in the least."

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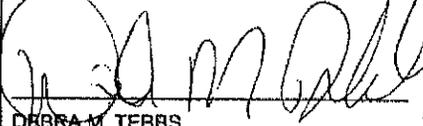
1 I hereby agree and stipulate to the above findings of fact and conclusions of law and  
2 understand that the order which follows hereafter may be completed and signed by the Real  
3 Estate Commissioner or may be rejected by the Real Estate Commissioner. I understand that,  
4 In accordance with the provisions of ORS 896.445(3), notice of this order shall be published in  
5 the Oregon Real Estate News Journal.

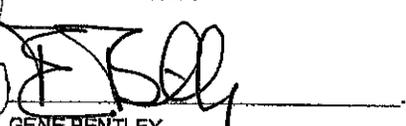
6 ORDER

7 IT IS HEREBY ORDERED that Tebbs' broker license be, and hereby is, reprimanded.

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9 IT IS SO STIPULATED:

IT IS SO ORDERED:

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14 DEBRA M. TEBBS

GENE BENTLEY

Real Estate Commissioner

15 Date 8-16-2016

Date 8-30-16

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17 Date of service: 8/30/2016  
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