

1 OREGON REAL ESTATE AGENCY  
2 BEFORE THE REAL ESTATE COMMISSIONER  
3

4 In the Matter of the Real Estate License of )  
5 )  
6 CHARLES L. BROUGHTON ) STIPULATED FINAL ORDER  
7 )  
8 \_\_\_\_\_ )  
9

10 The Real Estate Agency (OREA) and Charles L. Broughton (Broughton) do hereby  
11 agree and stipulate to the following:

12 FINDINGS OF FACT  
13 AND  
14 CONCLUSIONS OF LAW

15 1.

16 1.1 At all times mentioned herein, Broughton was licensed as a real estate broker  
17 with Baker City Realty, Inc.

18 1.2 On May 23, 2011, OREA received a complaint from Dan Brassard (Brassard)  
19 alleging that Broughton had: a) violated signed escrow instructions and withdrew \$55,418 from  
20 a holdback account 45 days after he signed documents which stated that all disbursements  
21 from the holdback account would be at the written permission of the lenders, b) sold a portion  
22 of Tax Lot 2000, Baker City, Oregon via a Quitclaim Deed to Homer and Karen Talbert  
23 (Talberts) knowing there were two liens against the property and a clear title could not be  
24 obtained, and c) signed an easement granting Baker City, Oregon an easement on Tax Lot  
25 2000, knowing there were two liens against the property and a clear title could not be obtained.  
26 The subsequent investigation found the following violations.

27 1.3 Broughton failed to disclose in writing to the Talberts that he was a real estate  
28 licensee at the outset of their purchase of a portion of land at 1290 'D' Street, Baker City,  
29 Oregon (subject property).  
30

1           **Violation:** OAR 863-015-0145(1) (2008 Edition), which states that a real estate licensee  
2 may not conduct professional real estate activity on their own behalf without disclosing in  
3 writing on at least the first written document of agreement to the other party to the transaction  
4 that the individual is a real estate licensee.

5           1.4     Broughton failed to disclose to his principal broker at Rustic Realty of his  
6 participation as a principal in the sale transaction to the Talberts of the subject property.

7           **Violation:** OAR 863-015-0145(3) (2008 Edition), which states that any transaction  
8 conducted on a real estate broker's own behalf must be conducted under the supervision of  
9 and all documents and funds transmitted through the licensee's principal broker.

10          1.5     Broughton failed to disclose to the Talberts at the outset of the sale to them of  
11 the subject property that there were two previous liens against the property and that the  
12 property had gone into foreclosure.

13          **Violations:** ORS 696.301(12) and (14) (2007 Edition), which states that a real estate  
14 licensee may be disciplined if they demonstrate incompetence or untrustworthiness in  
15 performing any act for which the licensee is required to hold a license, and/or, if they commit  
16 an act of fraud or engage in dishonest conduct substantially related to the fitness of the  
17 licensee to conduct professional real estate activity.

18          1.6     Broughton failed to provide the Talberts, in a timely manner, a Quit Claim Deed  
19 to the subject property they purchased from him.

20          **Violation:** ORS 696.301(14) (2007 Edition), which states that a real estate licensee  
21 may be disciplined if they commit an act of fraud or engage in dishonest conduct substantially  
22 related to the fitness of the licensee to conduct professional real estate activity.

23          1.7     Broughton failed to obtain written authorization to sell any portion of the subject  
24 property from the members of O&R, LLC, who owned the subject property.

25          **Violation:** ORS 696.301(14) (2007 Edition), which states that a real estate licensee  
26 may be disciplined if they commit an act of fraud or engage in dishonest conduct substantially  
27 related to the fitness of the licensee to conduct professional real estate activity.

28          1.8     Broughton failed to disclose to Brassard that he had sold portions of the subject  
29 property to the Talberts and to the City of Baker City, when Brassard purchased the Warranty  
30 Deed from O&R, LLC.



1 IT IS FURTHER ORDERED that at the conclusion of Broughton's suspension, and upon  
2 written request, Broughton be issued a real estate broker's license with limitations as set forth  
3 below:

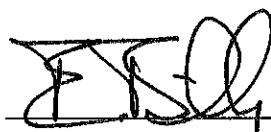
- 4 (a) The limited license period shall be until all of the following conditions have been  
5 met;
- 6 (b) Broughton shall not violate any license law or rule during the limited license term;
- 7 (c) Broughton shall be required to give a copy of this Order to any principal broker  
8 through whom he is licensed during the limited license term, prior to licensing, and the principal  
9 broker shall acknowledge receiving a copy of this Order in writing to the OREA;
- 10 (d) Broughton continues to pay \$200 each month to the Talberts until paid in full;
- 11 (e) Broughton continues to pay \$50 each month to Brassard until paid in full;
- 12 (f) The employing principal broker shall immediately notify the OREA of any criminal  
13 convictions or license law violations by Broughton during the limited license term, and
- 14 (g) The restrictions shall continue until Broughton (1) requests an unrestricted  
15 license, in writing, and (2) Broughton's principal broker endorses Broughton for an unrestricted  
16 license. OREA will conduct an inquiry on Broughton including, but not limited to, a check  
17 through the Law Enforcement Data System. If OREA finds that there is no reason to continue  
18 the limited license, an unrestricted license will be issued.

19 IT IS FURTHER ORDERED that, should Broughton violate any term or condition of this  
20 Order, an additional 11 month suspension will be imposed, and will be effective immediately.

21  
22 IT IS SO STIPULATED:

IT IS SO ORDERED:

23  
24   
25 \_\_\_\_\_  
26 CHARLES L. BROUGHTON

27   
28 \_\_\_\_\_  
29 GENE BENTLEY  
30 Real Estate Commissioner

Date 12-11-12

Date 12.19.12

DATE of service: 12-19-12