

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

4 In the Matter of the Real Estate License of)
5)
6 VICTORIA M HAWKS) STIPULATED FINAL ORDER
7)
8 _____)
9

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

12 FINDINGS OF FACT
13 AND
14 CONCLUSIONS OF LAW

15 1.

16 1.1 At all times mentioned herein, Hawks was licensed as a principal broker with
17 Hawks & Co, Realtors.

18 1.2 On April 4, 2011, OREA received a complaint from Michael Pool (Pool) alleging
19 that when he purchased property at 185 Vanessa Way, Roseburg, Oregon, on June 10, 2005,
20 his agent, Hawks, and the seller's agent, Archie Jones (Jones) represented that there had
21 been a septic system installed by the seller.

22 1.3 Pool listed the property for sale with Hawks in 2008 and 2009, but the property
23 did not sell. In December of 2010, Pool listed the property for sale with Dave and Jean
24 Meador (the Meadors.) The Meadors informed Pool in March of 2011 that there was no record
25 in Douglas County records that the property had a septic system.

26 1.4 Pool consequently sued Hawks and Jones, both of whom settled with him out of
27 court, details of which were not disclosed.

28 1.5 Hawks did not verify with the county or suggest to the buyer, Pool, to verify that
29 there had been a septic system installed at the time he purchased the property located at 185
30 Vanessa Way, Roseburg, Oregon.

1 **Violations:** ORS 696.810(3)(a),(e) (2005 Edition), which requires a buyer's agent to
2 exercise reasonable care and diligence and to advise the buyer to seek expert advice on
3 matters related to the transaction that are beyond the agent's expertise, and ORS 696.301(15)
4 (2005 Edition), which states that a licensee may be disciplined if they engage in conduct that is
5 below the standard of care for the practice of professional real estate activity.

6 1.6 Hawks did not produce addendums and/or documents addressing the testing of
7 the well water for domestic use, septic permit, map and completion report to Pool as required
8 in Addendum A of the Sales Agreement.

9 **Violation:** ORS 696.810(3)(a),(e) (2005 Edition), which requires a buyer's agent to
10 exercise reasonable care and diligence and to advise the buyer to seek expert advice on
11 matters related to the transaction that are beyond the agent's expertise.

12 1.7 Hawks advertised the above mentioned property through the Regional Multiple
13 Listing Service as having an installed sand filter septic at the time that Pool listed the property
14 with her even though there was no septic system.

15 **Violations:** ORS 696.805(3)(a) (2007 and 2009 Editions), which requires a seller's
16 agent to exercise reasonable care and diligence in a real estate transaction, and ORS
17 696.301(1) and (4) (2007 and 2009 Editions), which state that a licensee may be disciplined if
18 they create a reasonable probability of damage to a person by making one or more material
19 misrepresentations in a matter related to professional real estate activity.

20 2.

21 OREA reserves the right to investigate and pursue additional complaints that may be
22 received in the future regarding this licensee.

23 STIPULATION & WAIVER

24 I have read and reviewed the above findings of fact and conclusions of law which have
25 been submitted to me by OREA and further, the order which follows hereafter. I understand
26 that the findings of fact, conclusions of law and this stipulation and waiver embody the full and
27 complete agreement and stipulation between OREA and me. I further understand that if I do
28 not agree with this stipulation I have the right to request a hearing on this matter and to be
29 represented by legal counsel at such a hearing. Hearings are conducted in accordance with
30 the procedures set forth in ORS Chapter 183 and in accordance with the Rules of Practice and

1 Procedure adopted by the Attorney General of the State of Oregon. I freely and voluntarily
2 waive my rights to a hearing, to representation by legal counsel at such a hearing, and to
3 judicial review of this matter.


4 I hereby agree and stipulate to the above findings of fact and conclusions of law and
5 understand that the order which follows hereafter may be completed and signed by the Real
6 Estate Commissioner or may be rejected by the Real Estate Commissioner, in which case an
7 amended notice of intent may be issued in this matter. I understand that, in accordance with
8 the provisions of ORS 696.445(3), notice of this order shall be published in the Oregon Real
9 Estate News Journal.

10 ORDER

11 IT IS HEREBY ORDERED that Hawks' license be, and hereby is, reprimanded.

12
13 IT IS SO STIPULATED:

IT IS SO ORDERED:

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16 

17 VICTORIA M. HAWKS

14
15
16 

17 GENE BENTLEY

18 Real Estate Commissioner

19 Date

8/13/12

19 Date

8.20.12

20
21 DATE of service:

8-21-12