## OREGON REAL ESTATE AGENCY BEFORE THE REAL ESTATE COMMISSIONER

| In the Matter of the Real Estate License of | <b>}</b>                           |
|---|------------------------------------|
| ARCHIE JONES                                | {<br>} STIPULATED FINAL ORDER<br>} |
|   |                                    |

The Real Estate Agency (OREA) and Archie Jones (Jones) do hereby agree and stipulate to the following:

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.

- 1.1 At all times mentioned herein, Jones was licensed as a real estate broker with Prudential Real Estate Professionals.
- 1.2 On April 4, 2011, OREA received a complaint from Michael Pool (Pool) alleging that when he purchased property at 185 Vanessa Way, Roseburg, Oregon, on June 10, 2005, his agent, Victoria Hawks (Hawks), and the seller's agent, Jones represented that there had been a septic system installed by the seller. The subsequent investigation found the following violations.
- 1.3 Jones did not ensure that the advertising of 185 Vanessa Way, Roseburg, Oregon, submitted to the Regional Multiple Listing Service noted that there was not a septic installed on the property, when it actually noted a septic was installed.

**Violation:** ORS 696.301(1) and (4) (2005 Edition), which states that a licensee may be disciplined if they have created a reasonable probability of damage or injury to a person by making one or more material misrepresentations in a matter related to professional real estate activity and/or knowingly publishes materially misleading or untruthful advertising.

1.4 Jones did not produce addendums and/or documents addressing the testing of the well water for domestic use, septic permit, map and completion report to the buyer's agent, Hawks, per addendum A.

**Violation:** ORS 696.805(3)(a) and ORS 696.301(15) (2005 Edition), which requires that a seller's agent exercise reasonable care and diligence and that a licensee may be disciplined if they engage in any conduct that is below the standard of care for the practice of professional real estate activity in Oregon.

2.

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

## STIPULATION & WAIVER

I have read and reviewed the above findings of fact and conclusions of law which have been submitted to me by OREA and further, the order which follows hereafter. I understand that the findings of fact, conclusions of law and this stipulation and waiver embody the full and complete agreement and stipulation between OREA and me. I further understand that if I do not agree with this stipulation I have the right to request a hearing on this matter and to be represented by legal counsel at such a hearing. Hearings are conducted in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. I freely and voluntarily waive my rights to a hearing, to representation by legal counsel at such a hearing, and to judicial review of this matter.

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

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