### 

## REAL ESTATE AGENCY BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

SHARLENE L MORTENSEN

STIPULATED FINAL ORDER

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

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.

- 1.1 At all times mentioned herein, Mortensen was licensed as a real estate broker with Ribbon Investment Firm.
- 1.2 On March 21, 2011, OREA received a complaint from Brian Heberling (Heberling) against Mortensen alleging that Mortensen had failed to provide him with the tenant's security deposit upon termination of their property management agreement, had paid an unauthorized amount to Mortensen's husband, Mike Mortensen (Mike), without Heberling's permission, and had made false claims that payments had been made for electricity and repairs. The subsequent investigation found the following violations.
- 1.3 Mortensen acted as a property manager for 96 Merton Lane, Manzanita, Oregon, on behalf of Heberling without a signed property management agreement from October 5, 2010 to February 10, 2011.

**Violation:** OAR 863-025-0020(1) (2010 Edition), which states that a property manager must not engage in the management of rental real estate without a written property management agreement between the owner and the property manager.

III

1.4 On October 8, 2010, Mortensen initiated the production of a check that was payable to Mike for property maintenance that was not authorized by Heberling.

**Violations:** ORS 696.301(12) (2009 Edition), which states that a licensee may be disciplined if they demonstrate incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license.

2.

- 2.1 ORS 696.396(2)(c)(C) (2009 Edition), allows a suspension to be imposed if a licensee exhibits dishonesty or fraudulent conduct.
- 2.2 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.

/// ///

### **ORDER**

IT	IS HEREBY ORDER	RED that Mortensen's rea	al estate broker l	icense be suspended for
30 days,	beginning August 1,	2012.		

IT IS SO STIPULATED:

IT IS SO ORDERED:

GENE BENTLEY \

Real Estate Commissioner

Date 7 · 23 · 12

DATE of service: <u>7-24-/2</u>