

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate Broker's
5 License of
6
7 GEORGE RALSTON
8

}
} STIPULATED FINAL ORDER
}

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

12 FINDINGS OF FACT

13 1.

14 1.1 At all times mentioned herein, Ralston was licensed as a real estate broker with
15 Cascade Sotheby's International Realty.

16 1.2 On August 9, 2011, OREA received a complaint from Robin Herd (Herd) against
17 Scott Ralston (Ralston) at Cascade Sotheby's International Realty.

18 1.3 The Herds had a listing agreement, signed on March 5, 2011, with Sarah Iverson
19 (Iverson) to sell their property at 2637 Samoan Way, Medford, Oregon.

20 1.4 On June 4, 2011, Ralston wrote an offer for Richard and Marlene Nuckols
21 (Nuckols') on the subject property with earnest money set as a promissory note for \$1,000 due
22 and payable five business days after mutual acceptance of the Agreement. The promissory
23 note did not contain any payee.

24 1.5 On June 6, 2011, the Herds rejected the Nuckols' offer and made a counter offer,
25 which included the following modification: "earnest money to be increased to \$2,000 and
26 promissory note to be redeemed within 3 business days of mutual acceptance."

27 1.6 Due to the fact that the Nuckols were unable to obtain financing, the Nuckols
28 were unable to purchase the Herds' property.

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1 CONCLUSIONS OF LAW

2 2.

3 2.1 Ralston did not send the documents relating to the failed attempt to purchase Mr.
4 and Mrs. Herd's property by Mr. and Mrs. Nuckols in April, 2011 to his principal broker.

5 **Violation:** OAR 863-015-0255(3) (2010 Edition), which requires a real estate broker to
6 transmit to the real estate broker's principal real estate broker within three banking days of
7 receipt of any documents received by the licensee in any professional real estate activity in
8 which the licensee is engaged.

9 2.2 Ralston failed to ensure that the promissory note signed on June 4 and 6, 2011,
10 contained the name of a payee.

11 **Violation:** OAR 863-015-0135(7) (4/15/11 Edition), which requires that, when preparing a
12 promissory note for use as earnest money, a licensee must make the note payable upon the
13 seller's acceptance of the offer or payable within a stated time after the seller's acceptance.
14 Absent a written agreement to the contrary, the note must be made payable to the seller.

15 2.3 Ralston did not send the promissory note signed on June 4 and 6, 2011, in a
16 timely manner to his principal broker.

17 **Violation:** OAR 863-015-0255(3) (4/15/2011 Edition), which requires a real estate
18 broker to transmit to the real estate broker's principal real estate broker within three banking
19 days of receipt of any documents received by the licensee in any professional real estate
20 activity in which the licensee is engaged.

21 2.4 Ralston failed to notify the Herds or their agent, Iverson, until July 6, 2011, that
22 the promissory note had not been redeemed.

23 **Violation:** ORS 696.810(2)(c) (2009 Edition), which requires that a real estate licensee
24 acting as a buyer's agent disclose material facts known by the licensee and not apparent or
25 readily ascertainable to a party.

26 2.5 On July 7, 2011, Ralston prepared a Termination Agreement for the Nuckols to
27 sign which included the following false statement: "The sum of \$2,000 in the form of a
28 Promissory Note has been deposited as earnest money with Amerititle."

29 **Violation:** ORS 696.810(2)(a) (2009 Edition), which requires that a real estate licensee
30 acting as a buyer's agent deal honestly and in good faith.

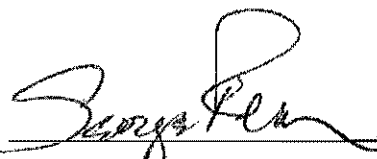
1 Estate Commissioner or may be rejected by the Real Estate Commissioner, in which case an
2 amended notice of intent may be issued in this matter. I understand that, in accordance with
3 the provisions of ORS 696.445(3), notice of this order shall be published in the Oregon Real
4 Estate News Journal.

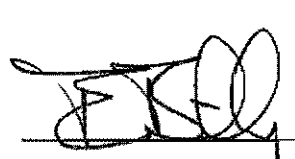
5 ORDER

6 IT IS HEREBY ORDERED that Ralston be, and hereby is, reprimanded.

7
8 IT IS SO STIPULATED:

IT IS SO ORDERED:

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10 

11 

12 GEORGE RALSTON

13 GENE BENTLEY

14 Real Estate Commissioner

15 Date 4/27/12

16 Date 4.30.12

17 DATE of service: 5-1-12