

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

4 In the Matter of the Real Estate License of)

5
6 ROBERT SAMMONS)

ORDER ON DEFAULT

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10 1.1 On November 5, 2012, the Real Estate Commissioner issued, by certified mail, a
11 notice of intent to revoke the real estate property manager's license of Robert Sammons
12 (Sammons). The Real Estate Agency (OREA) sent the notice of intent to Sammons's last
13 known address of record with the OREA. The notice of intent was also mailed to Sammons by
14 regular first class mail in a handwritten envelope.

15 1.2 Both copies of the notice of intent mailed on November 5, 2012, were returned to
16 OREA with a "Forward time expired" notation, and a new address of 2351 Victor Ave Apt 33,
17 Redding, California, 96002. The notice of intent was resent to the new address, by certified and
18 regular first class mail, on November 21, 2012.

19 1.3 Over twenty (20) days have elapsed since the mailing of the notice issued in this
20 matter and no written request for hearing has been received.

21 1.4 Copies of the entire investigation file are designated as the record for purposes of
22 default, including any submission from respondent and all information in the administrative file
23 relating to the mailing of notices and any responses received.

24 2.

25 Based upon the foregoing and upon a review of the above described investigation
26 reports, documents and files, the Real Estate Commissioner finds:

27 2.1 Oregon Administrative Rule 863-001-0006 states, in part, that a notice of intent is
28 properly served when deposited in the United States mail, registered or certified mail, addressed
29 to the real estate licensee or to any other person having an interest in a proceeding before the
30 Commissioner at the licensee's or other person's last known address of record with OREA.

1 3.4 On February 27, 2012, OREA received a complaint from Joseph Martinelli
2 (Martinelli) alleging that Sammons had not paid him approximately \$4,450 in rental income and
3 security deposits for the management of Martinelli's rental property located at 1700 Eastwood
4 Lane, Brookings, Oregon.

5 3.5 The subsequent investigation found the following violations.

6 3.6 For the property owned by Severson, Sammons failed to provide Severson with a
7 monthly accounting of rents received or expenses paid, per the terms of the property
8 management agreement, for July through October 2011.

9 **Violation:** ORS 696.890(3)(d) (2011 Edition), which requires that property managers
10 account in a timely manner for all funds received from or on behalf of the owner.

11 3.7 For the property owned by Severson, Sammons failed to provide Severson
12 approximately \$8,000 in tenant rent and security deposit funds from March through October
13 2011.

14 **Violation:** ORS 696.301(12) and (14) (2011 Edition), which states that a licensee may be
15 disciplined if they demonstrate incompetence or untrustworthiness in performing any act for
16 which the licensee is required to hold a license and/or if they commit an act of fraud or engage
17 in dishonest conduct substantially related to the fitness of the licensee to conduct professional
18 real estate activity.

19 3.8 For the property owned by Severson, Sammons failed to document in writing
20 authorization from Severson to rent Units A, B and C for a monthly rent amount of \$600 per unit.

21 **Violation:** ORS 696.301(12) (2011 Edition), which states that a licensee may be
22 disciplined if they demonstrate incompetence or untrustworthiness in performing any act for
23 which the licensee is required to hold a license.

24 3.9 For the property owned by Severson, Sammons failed to obtain written
25 authorization from Severson to charge monthly rent for Unit A that was less than the agreed
26 \$600 per month.

27 **Violation:** ORS 696.301(12) (2011 Edition), which states that a licensee may be
28 disciplined if they demonstrate incompetence or untrustworthiness in performing any act for
29 which the licensee is required to hold a license.
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1 NOTICE: You are entitled to judicial review of this order pursuant to the provisions of ORS
2 183.482. Judicial review may be obtained by filing a petition for review within 60 days from the
3 date of service of this order.

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