

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

4 In the Matter of the Real Estate License of

5
6 DARLENE A SMITH
7
8

}
STIPULATED FINAL ORDER

9
10 The Real Estate Agency (OREA) and Darlene Smith (Smith) 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, Smith was licensed as a real estate broker with
17 John L. Scott Market Center.

18 1.2 On October 11, 2011, OREA received a complaint from Michelle Anderson
19 (Anderson) alleging that Smith lied to her about the extent of repair work that had been done
20 on the home she had purchased located at 1028 Douglas St., Forest Grove, Oregon. Smith
21 represented Anderson in the purchase. The subsequent investigation found the following
22 violations.

23 1.3 On March 23, 2010, the home was inspected, after which Anderson discussed
24 the findings with Smith. Anderson told Smith that she wanted the windows and heaters
25 replaced and gave her a copy of the inspection report.

26 1.4 On March 27, 2010, Smith drafted and Anderson signed Addendum #2, which
27 stated that the buyer releases inspection contingency provided the seller makes the following
28 repairs: all dry rot, "along with the windows and all other lender required repairs." Smith also
29 submitted a copy of the inspection report to the sellers, but it had Smith's handwritten notes on
30 it rather than Anderson's handwritten notes. Smith's notes said "fix" where Anderson's notes

1 said "replace", and Smith's notes said "okay" where Anderson had put an 'X', which Anderson
2 said meant to fix.

3 **Violations:** ORS 696.810(3)(a) and ORS 696.301(12) (2009 Edition), which requires
4 that a licensee exercise reasonable care and diligence on behalf of their buyer, and states that
5 a licensee may be disciplined if they demonstrate incompetence in performing any act for
6 which the licensee is required to hold a license.

7 2.

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

10 STIPULATION & WAIVER

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

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

27 ///

28 ///

29 ///

30 ///

ORDER

IT IS HEREBY ORDERED that Smith's license be, and hereby is, reprimanded.

IT IS SO STIPULATED:

IT IS SO ORDERED:

Darlene A. Smith



DARLENE A. SMITH

GENE BENTLEY

Real Estate Commissioner

Date 9-24-12

Date 9.28.12

DATE of service: 9.28.12

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30