

1 REAL ESTATE AGENCY  
2 BEFORE THE REAL ESTATE COMMISSIONER  
3

4 In the Matter of the Real Estate License of )  
5 )  
6 MATTHEW WILLIAM VAUGHAN ) ORDER ON DEFAULT  
7 )  
8 )

9 1.

10 1.1 On January 26, 2012, the Real Estate Commissioner issued, by certified mail, a  
11 notice of intent to reprimand the real estate broker's license of Matthew Vaughan (Vaughan).  
12 The Real Estate Agency (OREA) sent the notice of intent to Vaughan's last known address of  
13 record with the OREA. The notice of intent was also mailed to Vaughan by regular first class  
14 mail in a handwritten envelope.

15 1.2 On January 27, 2012, the notice of intent sent by certified mail was received and  
16 signed for by "A. Gonzalez."

17 1.3 As of March 20, 2012, the notice of intent mailed by regular first class mail has not  
18 been returned to OREA.

19 1.4 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 1.5 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 last known address of record with OREA.

1 2.2 Vaughan's last known address of record with OREA was PO Box 4017,  
2 Beaverton, Oregon 97076.

3 2.3 A certified mailing of the notice of intent was mailed to Vaughan at his last known  
4 address of record on January 26, 2012.

5 2.4 The mailing in the handwritten envelope has not been returned to OREA. In  
6 accordance with ORS 40.135(1)(q), there is a presumption that the mailing properly addressed  
7 and placed with the U.S. Postal Service was delivered. That presumption has not been  
8 overcome by any evidence.

9 2.5 Over twenty (20) days have elapsed since the mailing of the notice and no written  
10 request for a hearing has been received.

11 FINDINGS OF FACT

12 3.

13 3.1 At all times mentioned herein, Vaughan was licensed as a real estate broker.

14 3.2 On July 6, 2010, OREA received a complaint against Vaughan from Andrew Dow  
15 (Dow). Dow purchased property at 8270 SW Carmel Court in Portland, Oregon, which was  
16 listed by Vaughan and was owned by Amy Tobkin (Tobkin). Dow was represented by Greg  
17 Lawler (Lawler), a broker with Windermere Cronin & Caplan Realty Group, Inc.

18 3.3 Vaughan submitted a response letter to OREA dated July 28, 2010. In his letter,  
19 Vaughan stated that he was moving to Taiwan with his family for three years.

20 3.4 On August 29, 2011, OREA sent Vaughan a letter which defined the violations that  
21 were found as a result of the investigation, and gave him two weeks from that date to contact  
22 OREA to request a settlement conference.

23 3.5 Vaughan contacted the Agency by phone after he received the letter (exact date  
24 unknown) and said he was in Taiwan, that he was interested in a settlement conference, but  
25 wasn't able to set a specific date at that time and would call back.

26 3.6 OREA attempted to contact Vaughan regarding the letter by leaving voicemail  
27 messages for him on September 26, 2011 and October 25, 2011. Neither call was returned.

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1 CONCLUSIONS OF LAW

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3 4.1 Vaughan failed to transmit to his Principal Broker the following documents he  
4 received pertaining to professional real estate activity: (1) Inspection reports, (2) Repair  
5 addendum, and (3) Addendum One.

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

9 4.2 Vaughan misrepresented or embellished that there was another written offer being  
10 submitted on the property leading the buyer and the buyer's broker to believe that the seller  
11 would have a fall back position to take if the inspection demands were too onerous.

12 **Violation:** ORS 696.301(1) & (12), which prohibits a real estate licensee from making  
13 misrepresentations or false promises in matters related to professional real estate activity.

14 4.3 Vaughan communicated to the buyer's broker that if the buyer was too aggressive  
15 in his repair demands that the seller could and probably would reject their repair demands and  
16 go with another offer, when in fact the seller was never made aware of another offer and had not  
17 seen the inspection demand.

18 **Violation:** ORS 696.301(1) & (12), which prohibits a real estate licensee from making  
19 material misrepresentations or demonstrating untrustworthiness in matters related to  
20 professional real estate activity.

21 4.4 Vaughan failed to present the Agreement to Occupy Before Closing and the  
22 Addendum to Real Estate Sale Agreement number "possession" to his client, the seller.

23 **Violation:** ORS 696.805(2) & (6), which requires that a real estate licensee who is acting  
24 as a seller's agent to present all written communications to the seller in a timely manner.

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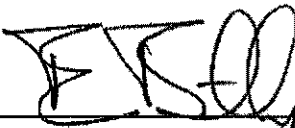
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ORDER

IT IS HEREBY ORDERED that the real estate broker's license of Matthew Vaughan is hereby reprimanded.

Dated this 21<sup>st</sup> day of March, 2012.

OREGON REAL ESTATE AGENCY

  
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GENE BENTLEY  
Real Estate Commissioner

DATE of service: 3/22/2012

NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the date of service of this order. Judicial review is pursuant to the provisions of ORS 183.482.