## REAL ESTATE AGENCY BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of	}
SHANNON M MOTTER	STIPULATED FINAL ORDER
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The Real Estate Agency (OREA) and Shannon Motter (Motter) do hereby agree and stipulate to the following:

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.

- 1.1 At all times mentioned herein, Motter was licensed as a principal broker with Summa Professional Consultants LLC.
- 1.2 On January 10, 2011, the OREA received an Inventory of Authorization to Examine Clients' Trust Account from Bleeding Edge Realty, Inc. Bleeding Edge Realty, Inc. is not a registered business name with the OREA.
- 1.3 The State of Oregon Secretary of State Business Registry indicates Bleeding Edge Realty, Inc. was registered on September 20, 2010 and Judith Shortt is the registered agent.
- 1.4 OREA license records indicate Judith Shortt is the principal broker of record of Summa Real Estate Group and Summa Professional Consultants LLC is an affiliate of Summa Real Estate Group.
- 1.5 From December 22, 2010 through June 8, 2011, Motter conducted property management activity in the registered business names of Summa Real Estate Group and Summa Real Estate Group Downtown Hillsboro and non-registered business names of Summa Property Management and Summa Real Estate Group Property Management while being associated with Summa Real Estate Consultants, LLC.

*Violations:* ORS 696.026(7) (2009 & 2011 Editions), which states that all professional real estate and property management activity conducted by the principal broker or property manager must be conducted under the registered business name. OAR 863-024-0095(1) (06-15-2010 & 04-15-2011 Editions), which states that before conducting business in a name other than the licensee's legal name, the property manager must register the business name with the Agency.

1.6 Property management agreements signed by Motter do not have a description of the monthly statements of accounting the property manager is to provide the owner.

**Violation:** OAR 863-025-0020(2)(g) (06-015-2010 & 04-15-2011 Editions), which states that a property management agreement must include, but is not limited to a description of the monthly statements of accounting the property manager will provide the owner.

1.7 Motter did not maintain complete and adequate property management records as required under ORS 696.280.

**Violations:** ORS 696.280(1) (2009 & 2011Editions) & OAR 863-025-0035(1)(a-k)(l),(2)(a)(c),(4) (06-15-2010 & 04-15-2011 Editions) which state that the property manager's records of the management of rental real estate are complete and adequate if the records contain, at least the following: Executed addenda and amendments, client trust account and security account records, owner's ledgers, record of receipts, and disbursements of check register, tenant ledgers, record of all cash receipts and month end clients' trust accounts. The property manager must maintain all required records for a period of six years.

1.8 Motter did not produce records upon the request of the OREA.

*Violations:* ORS 696.280(3) (2009 & 2011Editions) & OAR 863-025-0035(2)(a)(c) (06-15-2010 & 04-15-2011 Editions), which state that records maintained must at all times be open for inspection by the Real Estate Commissioner or the commissioner's authorized representatives and that within no less than five days of the Agency's request a property manager must produce required records. Failure to produce such records within the timeline is a violation of ORS 696.301.

1.9 Motter did not keep electronic back up records of the property management data stored in the computerized system she used.

**Violation:** OAR 863-025-0035(3)(a)(b)(06-15-2010 & 04-15-2011 Editions), which states that if a property manager uses a computerized system for creating, maintaining and producing required records and reports, the property manager must back up the system at least once every month. The posting of owner ledgers, record of receipts and disbursements, tenant ledgers and manipulation of information and documents must be maintained in a format that will readily enable tracing and reconciliation.

1.10 By failing to provide the OREA with the required property management documents and conducting your property management activities per the OAR and ORS referenced above you demonstrated incompetence in performing an act for which you are required to hold a license. ORS 696.301(12) (2011 Edition)

2.

2.1 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 ORDERED that Motter be, and herby is, reprimanded. In addition, as

Motter is required to complete the pre-license 60 hour OREA approved real estate property management course. Documentation of course completion must be submitted to the OREA within 4 months. If the course is not completed or documentation not provided to the OREA required, a 30 day suspension will be imposed.	
IT IS SO STIPULATED:	IT IS SO ORDERED:
Date 5 1 2013	GENE BENTLEY  Real Estate Commissioner  Date 5 7 13
	DATE of service: 5/1/13