

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

4 In the Matter of the Real Estate License of)

5)
6 APRIL ROSE)

ORDER ON DEFAULT

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9 1.

10 1.1 On November 27, 2012, the Real Estate Commissioner issued, by certified mail,
11 a notice of intent to reprimand the real estate principal broker's license of April Rose (Rose).
12 The Real Estate Agency (OREA) sent the notice of intent to Rose's last known address of
13 record with the OREA. The notice of intent was also mailed to Rose by regular first class mail
14 in a handwritten envelope.

15 1.2 The notice of intent sent by certified mail was received and signed for by James
16 Smith on November 28, 2012. The notice of intent mailed by regular first class mail has not
17 been returned to OREA.

18 1.3 Over twenty (20) days have elapsed since the mailing of the notice issued in this
19 matter and no written request for hearing has been received.

20 1.4 Copies of the entire investigation file are designated as the record for purposes
21 of default, including any submission from respondent and all information in the administrative
22 file relating to the mailing of notices and any responses received.

23 2.

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

26 2.1 Oregon Administrative Rule 863-001-0006 states, in part, that a notice of intent is
27 properly served when deposited in the United States mail, registered or certified mail,
28 addressed to the real estate licensee or to any other person having an interest in a proceeding
29 before the Commissioner at the licensee's or other person's last known address of record with
30 OREA.

1 2.2 Rose's last known address of record with OREA was 25080 SE Highway 212,
2 Damascus, Oregon, 97089.

3 2.3 A certified mailing of the notice of intent was mailed to Rose at her last known
4 address of record on November 27, 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
10 written request for a hearing has been received.

11 FINDINGS OF FACT
12 AND
13 CONCLUSIONS OF LAW

14 3.

15 3.1 Rose was licensed as a principal broker doing business under the registered
16 business name of Rappold Property Management, LLC (RPM), from October 28, 2010 until
17 May 13, 2011, at which time she inactivated her license.

18 3.2 On May 12, 2011, OREA received notice from Rose, that as of May 13, 2011,
19 Troy Rappold (Rappold), who was the owner and was licensed as a broker associated with
20 RPM, did not have another principal broker in place to oversee his property management
21 business after Rose left. The subsequent investigation found the following violation by Rose.

22 3.3 Rose had only nominal supervision of the professional real estate activity
23 conducted at RPM while she was the principal broker there.

24 **Violation:** OAR 863-015-0140(1) (2010 Edition), which states that no principal real
25 estate broker may allow any individual to use the principal broker's license for the sole purpose
26 of allowing other real estate licensees to engage in professional real estate activity when the
27 principal broker only nominally supervises the professional real estate activity conducted under
28 the principal broker's license.

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1 ORDER

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

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4 Dated this 7th day of January, 2013.

5
6 OREGON REAL ESTATE AGENCY

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9 _____
10 GENE BENTLEY
11 Real Estate Commissioner

12
13 DATE of service: 1-9-13

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