REAL ESTATE AGENCY BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

JUDITH SHORTT

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (OREA) and Judith Shortt (Shortt) do hereby agree and stipulate to the following:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.

- 1.1 At all times mentioned herein, Shortt was licensed as a principal real estate broker doing business under the registered business names of Summa Real Estate Group, Summa Real Estate Group Downtown Hillsboro, Summa Real Estate Group Downtown and Summa Real Estate Consultants LLC.
- 1.2 On January 10, 2011, the OREA received an Inventory of Authorization to Examine Clients' Trust Account (Authorization) from Bleeding Edge Realty, Inc., 231 East Main Street, Hillsboro, Oregon 97123. The Authorization was signed by Shortt, Managing Principal Broker and Shannon Motter, Principal Broker/Property Manager. A search of the OREA records indicated that 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 Shortt is the registered agent.
- 1.4 Summa Real Estate Group Downtown Hillsboro and Summa Real Estate Group Downtown business addresses registered with OREA is 231 East Main Street, Hillsboro, Oregon 97123.

1.5 The exterior signs, window signs and lobby signs at 231 East Main Street, Hillsboro, Oregon 97123, advertise Summa Real Estate Group.

Violations: ORS 696.200(2)(b) (2009 Edition) & ORS 696.200(1)(c), which state that a licensed principal real estate broker shall designate the main office by a sign that contains the name under which the real estate licensee conducts professional real estate activity.

1.6 Shortt allowed her HUD profile to post listings on the internet under the unregistered business name of Bleeding Edge Real Estate.

Violations: ORS 696.026(7) (2009 & 2011 Editions), which states that all professional real estate and property management activity conducted by the principal real estate broker or property manager must be conducted under the registered business name. OAR 863-014-0095(1) (04-15-2011 Edition), which states that if a principal real estate broker wishes to conduct real estate business in a name other than the licensee's legal name, the principal real estate broker must first register the business name with the Agency.

1.7 Shortt conducted property management activity in the non-registered business names of Summa Property Management and Summa Real Estate Group Property Management.

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.

1.8 The property management agreements 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.

1.9 Shortt 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)(I),(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.

1.10 Shortt 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.

1.11 Shortt 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.

1.12 By failing to provide the OREA with the required property management documents and conducting property management activities per the OAR and ORS referenced above, Shortt demonstrated incompetence in performing an act for which she is 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 AND 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.

ORDER

IT IS HEREBY ORDERED that Shortt be, and herby is, reprimanded. In addition, Shortt 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 as required, a 30 day suspension will be imposed.

IT IS SO STIPULATED:	IT IS SO ORDERED:
matter Hall	S F Ctl
JUDITH/SHORTT	GENE BENTLEY
	Real Estate Commissioner
Date 5/6/13	Date 5.14.13
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	DATE of service: $S - /4 - /3$