

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate Broker's
5 License of
6
7 BARBARA J. WILLARD
8

}
} FINAL ORDER ON DEFAULT
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10 On June 6, 2013, the Real Estate Commissioner issued, by certified mail, a notice of
11 intent to revoke the property manager's license of Barbara J. Willard (Willard). The Real
12 Estate Agency (OREA) served the notice in person and also mailed it to Willard's last known
13 mailing address of record with OREA.

14 By email dated June 18, 2013, Willard requested a hearing in this matter.

15 The case was forwarded to the Office of Administrative Hearings. A pre-hearing date
16 was set for July 31, 2013. On July 29, 2013, Willard notified the OREA that she was
17 withdrawing her request for a contested case hearing. As a result, the OREA withdrew the
18 referral to OAH on the same date.

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

22 Based upon the foregoing and upon a review of the above described investigation
23 reports, documents and files, the Real Estate Commissioner makes the following:
24

25 FINDINGS OF FACT

- 26 1. Willard withdrew her request for a hearing and is therefore in default.
27 2. Willard was licensed as a property manager doing business under the registered
28 business name of Willard Property Management (WPM). On January 11, 2013, a mandatory
29 mail-in audit was mailed to Willard for WPM's security deposit trust account ending in -2342.
30 The audit required a complete reconciliation for the account for the month of September 2012,

1 along with supporting documentation. Willard submitted a response to the mail-in audit on
2 January 30, 2013 that was received by OREA on February 4, 2013.

3 3. Willard's response to the audit was incomplete. After receiving Willard's
4 response OREA staff attempted to obtain additional records from Willard. On February 22,
5 2013, Lindsey Nunes spoke to Willard regarding the additional documentation for the audit. At
6 this time Willard admitted that she did not have the required records for the audit, and that she
7 had spent all of the security deposit money. OREA then opened an investigation.

8 4. The subsequent OREA investigation uncovered the following:

9 a. The Security Deposit CTA ending in -2342 had a deficit of \$22,182.72 as of
10 March 26, 2013. Willard's records indicated a total collected amount of \$32,129.00, but the
11 CTA online bank balance as of March 26, 2013 was only \$9,946.28. Willard admitted that she
12 had spent the missing money.

13 b. The Security Deposit CTA ending in -2342 was not reconciled within 30 days of
14 the bank statement date of September 30, 2012. Willard failed to show that her other CTAs
15 were reconciled within 30 days of their respective bank statement dates.

16 c. Willard's failure to reconcile the Security Deposit CTA ending in -2342 and the
17 OREA investigation relating to other CTA's revealed that Willard failed to deposit and maintain
18 security deposits as required.

19 d. Between September 1, 2000, and July 16, 2012, Willard closed 12 Clients' Trust
20 accounts without notifying OREA as required.

21 e. Between May 14, 2004 and November 21, 2012, Willard opened 17 Clients' Trust
22 accounts without notifying OREA as required.

23 f. Willard failed to maintain a complete check register for her security deposits
24 CTA. Willard maintained a 'Register Report' that did not include an identifying code for each
25 entry or the account balance after each entry (running ledger balance).

26 g. Willard failed to maintain a tenant ledger that listed the security deposit held for
27 each tenant.

28 h. Willard failed to obtain a written property management agreement prior to
29 managing the property for at least one client (Tressler).

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1 i. Willard failed to keep copies of property management agreements for several
2 clients, including Knuths, Everhart/Moura, and Olson.

3 j. On or about March 16, 2013, Willard submitted a license renewal application.
4 Willard certified on her license renewal application that she had complied with all applicable
5 education requirements required to renew. In the course of the investigation, Willard admitted
6 that she lied on the application, since she had not completed the required education as
7 represented.

8 CONCLUSIONS OF LAW

- 9 1. By engaging in the conduct in paragraph 4(a) Licensee violated ORS
10 696.890(3)(a),(c),(d),(e),(f) (2011 Edition); ORS 696.301 (1), (12) and(14)(2011
11 Edition).
- 12 2. By engaging in the conduct in paragraph 4(b) Licensee violated OAR 863-025-
13 0025(21) and (20)(respectively) (2012 Edition, 9/14/12); ORS 696.301(3)(2011
14 Edition).
- 15 3. By engaging in the conduct in paragraph 4(c) Licensee violated OAR 863-025-0030
16 (2012 Edition, 9/14/12) in violation of ORS 696.301(3)(2011 Edition).
- 17 4. By engaging in the conduct in paragraph 4(d) Licensee violated ORS 696.241(5)
18 (2011 Edition); ORS 696.301(3)(2011 Edition).
- 19 5. By engaging in the conduct in paragraph 4(e) Licensee violated ORS 696.241(4)
20 (2011 Edition); ORS 696.301(3)(2011 Edition).
- 21 6. By engaging in the conduct in paragraph 4(f) Licensee violated OAR 863-025-
22 0040(2)(c) and (e)(2012 Edition, 9/14/12); ORS 696.301(3)(2011 Edition).
- 23 7. By engaging in the conduct in paragraph 4(g) Licensee violated OAR 863-025-
24 0050(2012 Edition, 9/14/12); ORS 696.301(3)(2011 Edition).
- 25 8. By engaging in the conduct in paragraph 4(h) Licensee violated OAR 863-025-
26 0020(1)(2012 Edition, 9/14/12); and ORS 696.301(3)(2011 Edition).
- 27 9. By engaging in the conduct in paragraph 4(i) Licensee violated OAR 863-025-
28 0035(2012 Edition, 9/14/12); and ORS 696.301(3)(2011 Edition).
- 29 10. By engaging in the conduct in paragraph 4(j) Licensee violated ORS 696.301(12)
30 and (14)(2011 Edition).

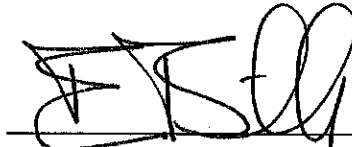
1 11. Revocation is appropriate under ORS 696.396(2)(c)(A), (B) and (C).

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3 ORDER

4 Based on the foregoing, Willard's property management license is hereby revoked.

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6 It is so Ordered this this 6th day of August, 2013.

7
8 OREGON REAL ESTATE AGENCY

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11
12 GENE BENTLEY

13 Real Estate Commissioner

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15 DATE of service: 8/6/13

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