

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate License of)
5)
6 GEOFFREY J CHISHOLM) FINAL ORDER ON DEFAULT
7)
8)

9 On June 5, 2013, the Real Estate Commissioner issued, by certified mail, a notice of
10 intent to revoke the real estate broker license of Geoffrey J. Chisholm (Chisholm). The Real
11 Estate Agency (OREA) sent the notice of intent to Chisholm's last known address of record
12 with the OREA. The notice of intent was also mailed to Chisholm by regular first class mail in
13 a handwritten envelope.

14 The certified mailing was returned to OREA with postal notations "Return to Sender
15 Unclaimed" and "Unable to Forward." The mailing in the handwritten envelope was not
16 returned.

17 Chisholm requested a hearing within 20 days of receiving the Notice of Intent to
18 Revoke. On July 22, 2013, OREA referred the case to the Office of Administrative Hearings to
19 schedule a hearing. A hearing was scheduled for February 19, 2014 through February 20,
20 2014. The hearing was postponed and rescheduled for June 25, 2014 through June 26, 2014.
21 Chisholm failed to appear for the scheduled hearing and is therefore in default.

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

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

27 FINDINGS OF FACT

- 28 1. At all times mentioned herein, Chisholm was licensed as a real estate broker.
29 2. On September 30, 2011, the State of Oregon Department of Consumer Business
30 Services (DCBS) issued Chisholm a cease and desist order, for acting as a loan originator

1 without being licensed as a Mortgage Broker or Mortgage Lender in Oregon and performing
2 debt management services without being registered as a debt management service provider in
3 Oregon. DCBS also assessed a civil penalty in the amount of \$223,200 that was included in
4 the cease and desist order issued to Chisholm.

5 3. Chisholm did not notify the OREA of the DCBS order as required by the OREA.

6 4. After January 1, 2010, acting as a loan originator, Chisholm contacted Oregon
7 homeowners (clients), who were facing foreclosures on their home loans and offered them
8 mortgage loan modification services through the company name of Safe Harbor Northwest.
9 Chisholm contracted with at least 31 Oregon residents facing foreclosure of their home loans.
10 The clients understood and believed that Chisholm would work with the clients' lenders to
11 modify their home loans. The clients were told that Chisholm would work with their lenders to
12 restructure their home loans. Chisholm charged the clients an upfront fee of \$3,250 or \$3,500
13 to assist with the loan modifications. Chisholm did not negotiate the clients' home loans as
14 promised and clients were either forced into short sales or they lost their homes through
15 foreclosure. In at least one instance a client was charged overdraft charges from their bank
16 because Chisholm withdrew excessive fees from the client's account. In another instance,
17 Chisholm told a client to not make a payment, when they were only one month behind.

18 CONCLUSIONS OF LAW

19 1. The foregoing violations are grounds for discipline pursuant to ORS 696.301 and
20 ORS 696.396.

21 2. By failing to notify the Commissioner of the final order entered against him in the
22 DCBS action, Licensee violated OAR 863-015-0175(1)(b)(c), (4), which requires a real estate
23 licensee to notify the commissioner within 20 days of any adverse decision or judgment
24 resulting from any civil or criminal suit or any administrative proceeding related to the licensee
25 in which the licensee was named as a party. This is grounds for discipline under ORS
26 696.301(3).

27 3. By engaging in the conduct described in paragraph 4 above, Licensee violated
28 ORS 696.301(14) because his actions demonstrated fraud and dishonest conduct in
29 transactions that are substantially related to Licensee's fitness to conduct professional real
30 estate activity.

