

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
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4 In the Matter of the Escrow Agent License of)
5)
6 FIRST AMERICAN TITLE COMPANY OF) STIPULATED FINAL ORDER
7 OREGON)
8 _____

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10 The Oregon Real Estate Agency (OREA) and First American Title Company of Oregon
11 (First American) do hereby agree and stipulate to the following:

12 FINDINGS OF FACT
13 &
14 CONCLUSIONS OF LAW

15 1.

16 1.1 At all times mentioned herein, First American was licensed as an escrow agent in
17 Oregon.

18 1.2 During an investigation of a separate matter OREA investigator Meghan Lewis
19 (Lewis) discovered documents which indicated that First American failed to notice conflicting
20 compensation demands received from principal broker, William Walson (Walson) and principal
21 broker, Dieter Wehner (Wehner) prior to close of escrow file # 7121-2028037.

22 1.3 Wehner had a listing agreement with Andrew M. Duncan and Katherine M.
23 Cheval (Duncan and Cheval). Walson submitted an offer on behalf Vincent and Sandra
24 Homer (Homers) to Wehner on January 15, 2013. At the time Walson submitted the offer he
25 printed out a copy of the MLS record on the subject property which showed the selling office
26 compensation to be 2% of the sales price or \$8,160.00.

27 1.4 For the investigation, Walson provided OREA a MLS listing audit for the subject
28 property. The listing audit shows on January 17, 2013 at 5:43 pm the selling office
29 compensation reduced from 2% to 1% or \$4,080.00.

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1 1.5 Duncan and Cheval accepted counter offer number three from the Homers on
2 January 21, 2013.

3 1.6 On April 18, 2013, Wehner submitted a Notice of Real Estate Compensation form
4 to a First American branch office located at 807 Main Street, Dallas, OR 97338. The
5 compensation form listed Wehner as the listing principal broker and Walson as the selling
6 broker. The compensation instructions for escrow were "At closing \$4080 to Heritage NW
7 Realty Group and \$4080 to iHomes."

8 1.7 On April 19, 2013, Walson submitted a Selling Broker Compensation Form to
9 First American. The compensation listed was \$8,160 or 2% of sale price. The instructions
10 read, "IN THE EVENT THAT ESCROW RECEIVES COMMISSION DISBURSEMENT
11 REQUESTS FROM THE LISTING AND SELLING PRINCIPAL BROKERS FOR DIFFERENT
12 SUMS, ESCROW IS REQUESTED TO NOTIFY THE UNDERSIGN IMMEDIATELY."

13 1.8 Walson and Wehner each received compensation checks for \$4,080.00.
14 Walson notified First American that he should have received compensation of \$8,160.00. Vice
15 President and Willamette Valley Area Manager, Stacy Collins determined that First American
16 should have identified the discrepancy in the compensation forms. First American issued a
17 check to Walson for \$4,080.00 on August 22, 2013.

18 1.9 Senior Escrow Officer, Kami Anderson (Anderson) at First American told Lewis
19 that she did not notice a discrepancy between the two compensation forms from Walson and
20 Wehner. She misinterpreted the total of \$8,160.00 to indicate two payments for each
21 \$4,080.00 and when she compared the number totals on the forms she considered the
22 demands equal.

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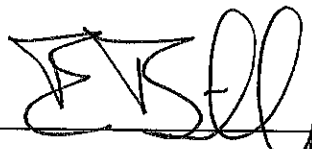
ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.585 and based upon the violation(s) set forth above, First American pay a civil penalty in the sum of \$1,000.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to the OREA.

IT IS SO STIPULATED:

IT IS SO ORDERED:

By 
ALAN BRICKLEY
Legal Counsel
Date 09/10/2014


GENE BENTLEY
Real Estate Commissioner
Date 9.23.14

Date of service: 9-24-2014