

1 REAL ESTATE AGENCY  
2 BEFORE THE REAL ESTATE COMMISSIONER  
3

4 In the Matter of the Real Estate License of )  
5 )  
6 TAMI LILLIE TWIDWELL ) ORDER ON DEFAULT  
7 )  
8 )

9 1.

10 1.1 On November 26, 2013, the Real Estate Commissioner signed and issued a  
11 notice of intent to revoke the property manager's license of Tami Lillie Twidwell (Twidwell). On  
12 November 27, 2013, the Oregon Real Estate Agency (OREA) sent the notice of intent, by  
13 certified mail, to Twidwell's last known address of record with the OREA. The notice of intent  
14 was also mailed to Twidwell by regular first class mail in a handwritten envelope.

15 1.2 The certified mailing and the first class mailing have not been returned to the  
16 OREA.

17 1.3 Over twenty (20) days have elapsed since the mailing of the notice issued in this  
18 matter and no written request for hearing has been received.

19 1.4 Copies of the entire investigation file are designated as the record for purposes  
20 of default, including any submission from respondent and all information in the administrative  
21 file relating to the mailing of notices and any responses received.

22 2.

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

25 2.1 Oregon Administrative Rule 863-001-0006 states, in part, that a notice of intent is  
26 properly served when deposited in the United States mail, registered or certified mail,  
27 addressed to the real estate licensee or to any other person having an interest in a proceeding  
28 before the Commissioner at the licensee's or other person's last known address of record with  
29 OREA.

30 ///

1           2.2    Twidwell’s last known address of record with OREA was 20865 SW Parker Ct.,  
2   Beaverton, OR 97007

3           2.3    A certified mailing of the notice of intent was mailed to Twidwell at her last known  
4   address of record on November 27, 2013.

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    On February 8, 2013, OREA notified Twidwell that it was initiating disciplinary  
16   proceedings based on 39 violations of law as set out in the Settlement Letter dated February 8,  
17   2013, in this proceeding (see Attachment 1). As a result of this letter, Twidwell requested a  
18   settlement conference in a timely manner.

19           3.2    OREA and Twidwell were willing to resolve this matter by stipulated agreement.

20           3.3    Twidwell did not desire to contest or defend against the alleged violations and  
21   agreed that OREA may enter an order revoking Twidwell’s license.

22           3.4    On April 8, 2013, Twidwell signed a Settlement Agreement and Stipulated Final  
23   Order, revoking her real estate property manager license.

24           3.5    Upon receipt of the signed Settlement Agreement and Stipulated Final Order the  
25   OREA noted an error with the date of a document noted within the signed Settlement  
26   Agreement and Stipulated Order. OREA notified Twidwell of the error by email and mailed  
27   Twidwell an updated Settlement Agreement and Stipulated Order requesting her signature.  
28   Twidwell did not respond to the OREA’s request.

29    ///

30    ///

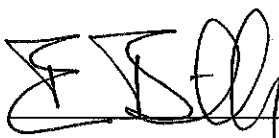
1           3.6    The violations noted in Attachment 1, are grounds for discipline pursuant to ORS  
 2 696.301. Based on these violations, OREA is revoking Twidwell's real estate property  
 3 manager license for violation of ORS 696.301(12) 2007, 2009 & 2011 Editions. For conduct  
 4 that may have occurred after January 1, 2006, revocation is appropriate under ORS  
 5 696.396(2)(c)(B), which states OREA may revoke a real estate license if the material facts  
 6 establish a violation of a ground of discipline under ORS 696.301 that exhibits incompetence in  
 7 the performance of professional real estate activity.

8  
 9   ORDER

10           IT IS HEREBY ORDERED that the real estate property manager license of Tami Lillie  
 11 Twidwell be revoked, with said revocation to be effective the date of this order.

12  
 13 Dated this   8<sup>th</sup>   day of   January  , 2014.

14  
 15   OREGON REAL ESTATE AGENCY

16  
 17  
 18  


19   GENE BENTLEY  
 20   Real Estate Commissioner

21  
 22 DATE of service:   1-8-2014  

23  
 24 NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by  
 25 filing a petition for review within 60 days from the date of service of this order. Judicial review  
 26 is pursuant to the provisions of ORS 183.482.



# Oregon

John A. Kitzhaber, MD, Governor

Real Estate Agency

1177 Center St NE

Salem, OR 97301-2505

Phone: (503) 378-4170

Regulations Fax: (503) 373-7153

Admin. Fax: (503) 378-2491

Licensing Fax: (503) 378-3256

[www.rea.state.or.us](http://www.rea.state.or.us)

February 8, 2013

Tami Lillie Twidwell  
20865 SW Parker Court  
Beaverton, OR 97007

Re: File #2011-312  
Legacy File #201103-085

Dear Ms. Twidwell:

Based on the facts developed in the investigation of the referenced complaint file, the Real Estate Agency intends to take administrative action against you or your license for possible violations of Oregon Revised Statutes (ORS) or Oregon Administrative Rules (OAR). A copy of the investigative report is enclosed.

The Real Estate Agency believes that your actions are in violation of the following Agency statutes and rules and are subject to sanction under ORS 696.301.

1. You failed to file with the Real Estate Agency, on forms approved by the Real Estate Commissioner, a statement identifying the name of the bank or banks, account number or account numbers, and name of account or account for each Clients' Trust Account for which you maintained, in violation of **ORS 696.241(2); 2009 Edition**; Eleven counts.
2. You failed to provide authorization to the Real Estate Agency, by a form approved by the Real Estate Commissioner, to examine any Clients' Trust Account, by a duly authorized representative of the Real Estate Agency, in violation of **ORS 696.241(3); 2009 Edition**; Eleven counts.
3. By knowingly placed or causing to be kept any funds or money in any bank under the heading of Clients' Trust Account or any other name designated such funds or money as belonging to your clients, which were not clients funds, in violation of **ORS 696.241(9); 2009 Edition**; Eleven counts.
4. You failed to provide your banking institution, where your Clients' Trust Accounts are held, with a completed "Notice of Clients' Trust

Account" for each account that you opened, in violation of **ORS 696.245; 2009 Edition**; Eleven counts.

5. By failing to register the business name "Northwest Family Rentals, LLC" you were in violation of **OAR 863-024-0095(1); 2010 Edition**; One count.
6. By failing to keep adequate records for all properties that you managed and not making them available for inspection by the Oregon Real Estate Agency you were in violation of **ORS 696.280(1); 2007, 2009 & 2011 Editions & OAR 863-025-0035(1)(3); 2008, 2009, 2010, 2011 Editions**; one count. In failing these duties you demonstrated incompetence or untrustworthiness in violation of **ORS 696.301(12); 2007, 2009 Editions**; One count.
7. By taking a promissory note in lieu of timely rental payments from a tenant when there was no such provision stated in the property management agreement you demonstrated incompetence or untrustworthiness, in violation of **ORS 696.301(12); 2009 Edition**; One count.
8. By taking money out of a clients' trust account to repay yourself from monies that you had paid from a personal account, you were in violation of **ORS 696.301(12)(14)(15); 2009 Edition & OAR 863-025-0065(3); 2010 Edition**
9. Property Management Agreement examination; 11 counts each of the following violations:
  - a. The Property Management Agreement did not contain a description of monthly statements to be provided to the owner. **Reference OAR 863-025-0020(2)(g); 2008, 2009, 2010 Edition**
  - b. The Property Management Agreement did not contain a disclosure regarding use of employees or businesses in which the property manager has a pecuniary interest. **Reference OAR 863-025-0020(2)(i); 2008, 2009, 2010 Edition**
  - c. The Property Management Agreement did not contain a statement that the property manager shall disclose use of employees or businesses where property manager has a pecuniary interest. **Reference OAR 863-025-0020(2)(j); 2008, 2009, 2010 Edition**
  - d. The Property Management Agreement did not have an identifying code. **Reference OAR 863-025-0020(2)(k); 2008, 2009, 2010 Edition**
  - e. The Property Management Agreement did not contain a provision that addressed the ownership and disbursement of earned interest if trust funds are placed in a federally insured interest bearing account, and did not address whether such funds would belong to

- the owner or the property manager and when they would be disbursed. **Reference OAR 863-025-0020(3)(b)(A)(B); 2008, 2009, 2010 Edition**
- f. The property management agreement refers to two different business names; "Northwest Family Rentals, LLC" and "Property Sales and Management", neither of which are registered names with the Oregon Real Estate Agency. **Reference OAR 863-024-0095(1); 2008, 2009, 2010 Edition.**
10. Required Records examination; 11 counts each of the following violations:
- a. The records were not complete and adequate records as required to be maintained at the licensed location. **Reference ORS 696.280; 2009, 2011 Edition; OAR 863-025-0035(1); 2008, 2009, 2010 Edition**
  - b. The records did not contain records of the clients' trust and security deposit accounts. **Reference OAR 863-025-0035(1)(b); 2008, 2009, 2010 Edition**
  - c. The records did not contain an owner's ledger for the property management agreement. **Reference OAR 863-025-0035(1)(c); 2008, 2009, 2010 Edition**
  - d. The records did not contain a complete record of the receipts and disbursements for the agreement. **Reference OAR 863-025-0035(1)(d); 2008, 2009, 2010 Edition**
  - e. The records did not contain a tenant ledger for each tenant. **Reference OAR 863-025-0035(1)(f); 2008, 2009, 2010 Edition**
  - f. The records did not contain a record of all cash receipts. **Reference OAR 863-025-0035(1)(g); 2008, 2009, 2010 Edition**
  - g. The records did not contain a record of all paid bills and receipts required under OAR 863-025-0040(8). **Reference OAR 863-025-0035(1)(h); 2008, 2009, 2010 Edition**
  - h. The records did not contain a record of electronic bank transactions required under OAR 863-025-0040(9). **Reference OAR 863-025-0035(1)(i); 2008, 2009, 2010 Edition**
  - i. The records did not contain a clients' trust and security account reconciliation. **Reference OAR 863-025-0035(1)(j); 2008, 2009, 2010 Edition**
  - j. The records did not contain any cancelled checks maintained with bank statements. **Reference OAR 863-025-0035(1)(k); 2008, 2009, 2010 Edition**
  - k. The records did not contain a deposit record for the clients' trust or security deposit accounts. **Reference OAR 863-025-0035(1)(l); 2008, 2009, 2010 Edition**
11. Tenant Agreement examination; 11 counts each of the following violations:

The tenant agreement did not contain the licensed name and business address of the property manager and the name and address of the tenant. **Reference OAR 863-025-0045(1)(a); 2008, 2009, 2010 Edition**

12. Record of Receipts and Disbursements (Check Register) examination; 11 counts each of the following violations:
  - a. There was no chronological record for the clients' trust account with an entry for each receipt or disbursement of funds. **Reference OAR 863-025-0040(1); 2008, 2009, 2010 Edition**
  - b. Entries in the check register did not include date funds were received. **Reference OAR 863-025-0040(2)(a)(A)(3); 2008, 2009, 2010 Edition**
  - c. It was unclear what the purpose of funds and identity of person who tendered the funds. **Reference OAR 863-025-0040(2)(a)(C); 2008, 2009, 2010 Edition**
  - d. A complete date was not provided for the deposit of funds. **Reference OAR 863-025-0040(2)(a)(D); 2008, 2009, 2010 Edition**
  - e. A complete date was not provided for disbursements. **Reference OAR 863-025-0040(2)(b)(A); 2008, 2009, 2010 Edition**
  - f. Either the check number or identity of the payee was missing. **Reference OAR 863-025-0040(2)(b)(C); 2008, 2009, 2010 Edition**
  - g. The purpose of disbursement was unclear. **Reference OAR 863-025-0040(2)(d)(D); 2008, 2009, 2010 Edition**
  - h. There is no account balance after each entry. **Reference OAR 863-025-0040(2)(e); 2008, 2009, 2010 Edition**
  - i. There was no record of receipts and disbursements, or check register, or owner's ledger as defined in 863-025-0055 maintained for a separate clients' trust account for a single owner. **Reference OAR 863-025-0040(4); 2008, 2009, 2010 Edition**
  - j. There is no evidence that the record posted after activity. **Reference OAR 863-025-0040(5); 2008, 2009, 2010 Edition**
  - k. Electronic banking transactions; there was no printed copy of any internet transaction records that included date, time, and nature of the transactions. **Reference OAR 863-025-0040(9)(a); 2008, 2009, 2010 Edition**
  - l. Electronic banking transactions; there was no written notation of any telephone transactions that included the date, time and nature of the transaction. **Reference OAR 863-025-0040(9)(b); 2008, 2009, 2010 Edition**
  - m. Electronic banking transactions; there was no document created that readily relates the transaction information in k) or l) above. **Reference OAR 863-025-0040(9)(c); 2008, 2009, 2010 Edition**

The purpose of this letter is to inquire as to whether you would be willing to settle the matter and avoid the time and expense of a formal administrative hearing by entering into a stipulated order resulting in a revocation of your license. If you wish to accept this offer, please contact Denise Lewis at 503-378-4761 within two weeks of the date of this letter.

If you are interested in discussing this matter on an informal basis with the Real Estate Agency, contact Denise Lewis at 503-378-4761 within two weeks of the date of this letter to schedule a settlement conference to occur within 30 days of the date of this letter.

The proposed sanction may be changed if the matter is not resolved by stipulated agreement. If this matter cannot be resolved by stipulated agreement, we are prepared to move this matter forward by issuing a Notice of Intent, which is the first step in the formal disciplinary process. However, we are willing to refrain from taking this action in the event a successful settlement can be achieved.

You also may arrange to review the entire investigative file by contacting Denise Lewis at 503-378-4761. Copies of file documents are available to you for a fee under the Public Records Law.

The enclosed document entitled "The Settlement Process" provides additional information for your consideration.

Respectfully,



Selina Barnes, Manager  
Regulation Division  
503.378.4637

---

Enc.  
Investigative Report dated January 13, 2012