

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate License of

5
6 LANE ELIZABETH HILLENDAHL

7
8 } STIPULATED FINAL ORDER
9

10 The Real Estate Agency (OREA) and Lane Elizabeth Hillendahl (Hillendahl) do hereby
11 agree and stipulate to the following:

12 FINDINGS OF FACT

13 &

14 CONCLUSIONS OF LAW

15 1.

16 1.1 Hillendahl was licensed as a principal broker with Rain Country Realty Inc. On
17 June 8, 2016, Hillendahl voluntarily disassociated her license with Rain Country Realty Inc.,
18 and as a result, Hillendahl's license is inactive.

19 1.2 In a letter dated June 9, 2016, Hillendahl self-reported to OREA that she
20 doctored well test results in a transaction. OREA also received additional information from
21 several sources regarding details of what occurred in the transaction.

22 1.3 In her letter, Hillendahl provided the details of the transaction, "When the first
23 acceptable offer came in the Buyers were USDA approved. I told my Seller that to the best of
24 my knowledge USDA will not accept a home that has any arsenic in a well."

25 1.4 According to Hillendahl's letter, the seller failed to believe her and wanted to
26 proceed. Hillendahl stated the arsenic was disclosed to the buyers and the buyer's agent. She
27 stated that several water tests were done, and during this time, the buyers were working on the
28 house, billing improvements they made to escrow. Hillendahl wrote, "Also I was accused of
29 not telling the Seller the true reason for the water samples being done over and over again and
30 all along. The buyer told her it was for more bacteria tests and so again I became, in her mind

1 the bad guy as I told her the lender and other agent were trying to find a way around the
2 arsenic. That was the truth."

3 1.5 In her letter Hillendahl wrote the following, "Lender says it will be at least another
4 month after they get a clean water sample and the Buyer's agent says the water sample will
5 come back "clean after treatment" which the USDA will not accept. At this point under
6 pressure from all sides, I flipped. I doctored the well test and gave them all a copy. I believe I
7 said at the time "See if this gets you out of you [sic] predicament."

8 1.6 OREA received two copies of the water test performed by Analytical Laboratory
9 Group. The first copy contained the notation "ORIGINAL" in handwritten text in the right hand
10 corner. On the "Original" document, the Arsenic Result was .0155 mg/L and was marked by
11 an asterisk. At the bottom of the page, the asterisk corresponded to "Value exceeds Maximum
12 Contaminant Level (MCL)."

13 1.7 The second copy contained the notation "Doctored" in handwritten text in the
14 right hand corner. On the "Doctored" document, the Arsenic Result was .0015 mg/L and the
15 asterisk was absent.

16 **Violation:** By changing the arsenic levels on the water report, Hillendahl committed an
17 act of fraud or engaged in dishonest conduct in violation of ORS 696.301(14) (2015 Edition),
18 which states that a licensee's real estate license may be disciplined if the licensee committed
19 an act of fraud or engaged in dishonest conduct substantially related to the fitness of the
20 applicant or license to conduct professional real estate activity, without regard to whether the
21 act or conduct occurred in the course of professional real estate activity.

22 2.

23 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.
24 Based on these violations a revocation is appropriate under ORS 696.396(2)(c)(C) (2015
25 Edition), According to ORS 696.396, OREA may revoke a real estate license if the material
26 facts establish a violation of a ground for discipline under ORS 696.301 that exhibits
27 dishonesty or fraudulent conduct.

28 2.2 OREA reserves the right to investigate and pursue additional complaints that
29 may be received in the future regarding this licensee.

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STIPULATION & 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.

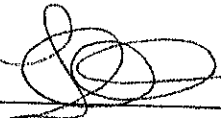
I hereby agree and stipulate to the above findings of fact and conclusions of law and understand that the order which follows hereafter may be completed and signed by the Real Estate Commissioner or may be rejected by the Real Estate Commissioner. I understand that, in accordance with the provisions of ORS 696.445(3), notice of this order shall be published in the Oregon Real Estate News Journal.

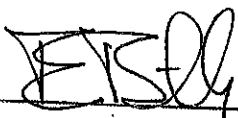
ORDER

IT IS HEREBY ORDERED Hillendahl's principal broker license is revoked.

IT IS SO STIPULATED:

IT IS SO ORDERED:





LANE ELIZABETH HILLENDAHL

GENE BENTLEY
Real Estate Commissioner

Date 12-1-16

Date 12.2.16

Date of service: 12/2/2016