

1 REAL ESTATE AGENCY  
2 BEFORE THE REAL ESTATE COMMISSIONER  
3

4 In the Matter of the Real Estate License of )  
5 )  
6 CHARLES S. BUCKLEY ) ORDER ON DEFAULT  
7 )  
8 )  
9 )

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10 1.1 On November 30, 2016, the Real Estate Commissioner issued, by certified mail,  
11 a notice of intent to revoke the real estate principal broker license of Charles S. Buckley  
12 (Buckley). The Oregon Real Estate Agency (OREA) sent the notice of intent to Buckley's last  
13 known address of record with the OREA. The notice of intent was also mailed to Buckley by  
14 regular first class mail in a handwritten envelope.

15 1.2 The certified mailing and the first class mailing of the notice of intent were sent to  
16 Buckley at 610 NE 1<sup>st</sup> St, Toledo, OR 97391.

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 2.2 Buckley's last known address of record with OREA was 610 NE 1<sup>st</sup> St, Toledo,  
26 OR, 97391.

27 2.3 A certified mailing of the notice of intent was mailed to Buckley at his last known  
28 address of record on November 30, 2016. Buckley signed for the certified mailing of the notice  
29 of intent on December 2, 2016.

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2.4 The mailing in the handwritten envelope has not been returned to OREA. In  
accordance with ORS 40.135(1)(q), there is a presumption that the mailing properly addressed

1 and placed with the U.S. Postal Service was delivered. That presumption has not been  
2 overcome by any evidence.

3 2.5 Over twenty (20) days have elapsed since the mailing of the notice and no  
4 written request for a hearing has been received.

5 FINDINGS OF FACT

6 &

7 CONCLUSIONS OF LAW

8 3.

9 3.1 Buckley was licensed as a principal broker with Oregon Coast Properties until  
10 February 11, 2016, at which time his license was disassociated with Oregon Coast Properties,  
11 causing Buckley's license to become inactive.

12 3.2 On February 22, 2016, Buckley self-reported to OREA that he pled guilty to five  
13 counts of Encouraging Child Sexual Abuse in the First Degree on February 10, 2016.

14 3.3 A cyber tip from the National Center for Missing and Exploited Children (NCMEC)  
15 involving sexually explicit images of prepubescent children was sent to a special agent at the  
16 Department of Justice and was then forwarded on to local law enforcement in the area to  
17 investigate. The report from NCMEC stated that on April 28, 2015, 37 images of  
18 prepubescent children were downloaded to Buckley's IP address. Detectives determined that  
19 10 of the 37 images were of prepubescent children displaying their genitals.

20 3.4 On December 16, 2015, Buckley was arrested by the Toledo Police Department  
21 (Case # TOP15000239).

22 3.5 On February 10, 2016, Buckley pled guilty to 5 counts of Encouraging Child  
23 Sexual Abuse in the First Degree (Lincoln County Circuit Court, Case # 15CR57643). Buckley  
24 was sentenced to 56 days of jail time, and given three years of supervised probation.

25 3.6 Buckley's supervised probation included, but not limited to, the following  
26 requirements:

- 27
- 28 • Attend sex offender counseling
  - 29 • "Regardless of whether or not sex offender treatment is recommended by the  
30 evaluator, the defendant shall not be in the immediate presence of any female or  
male under the age of 18 years, unless that male or female's parent or legal  
guardian is in the same room, car or location with the defendant and that male or  
female. This condition does not apply to a public setting such as a grocery store,

1 variety store or bowling alley where adults, not including friends or associates of  
2 the defendant are actually present in the immediate vicinity of the defendant and  
3 any male or female under the age of 18 years. This condition does apply to the  
4 above locations if such other adults are not actually present in the immediate  
5 vicinity of the defendant and the minor male or female and to any private  
6 residence and vehicle and also to any public or private setting (such as yard,  
7 field, public park or forest) where an opportunity for privacy with such male or  
8 female might arise.”

- 9 • “The Defendant shall not own, control, use or possess any computer or other  
10 electronic device capable of accessing the Internet, except for the multiple-listing  
11 of real property for sale in Lincoln County, Oregon. If it is not possible to restrict  
12 the Defendant’s internet access to a multiple-listing real estate site, the  
13 Defendant may not use a computer or other electronic device capable of  
14 connecting to the Internet unless there is a non-relative adult who works in real  
15 estate and who is simultaneously viewing the same material that is being viewed  
16 by the Defendant.”

17 **Violation:** By being convicted of five counts of Encouraging Child Sexual Abuse in the  
18 First Degree (Class B Felony) Buckley violated ORS 696.301(11) (2015 Edition), which states  
19 a licensee’s real estate license may be disciplined if they have been convicted of a felony or  
20 misdemeanor substantially related to the licensee’s trustworthiness or competence to engage  
21 in professional real estate activity.

22 **Violation:** By being engaging in conduct which resulted in his conviction of five counts  
23 of Encouraging Child Sexual Abuse in the First Degree (Class B Felony) Buckley violated ORS  
24 696.301(15) (2015 Edition) which states a licensee’s real estate license may be disciplined if  
25 they have engaged in any conduct that is below the standard of care for the practice of  
26 professional real estate activity in Oregon as established by the community of individuals  
27 engaged in the practice of professional real estate activity in Oregon.

28 3.7 On May 19, 2016, through Lincoln County Circuit Court (Case # 16CR30065) a  
29 Secret Indictment was entered charging Buckley with 16 counts of Encouraging Child Sexual  
30 Abuse in the First Degree.

