

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
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4 In the Matter of the Real Estate License of
5
6 SUSAN J. STOHL
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8

STIPULATED FINAL ORDER

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10 The Real Estate Agency (OREA) and Susan J. Stohl (Stohl) do hereby agree and
11 stipulate to the following:

12 FINDINGS OF FACT
13 &
14 CONCLUSIONS OF LAW
15 1.

16 1.1 At all times mentioned herein, Stohl was licensed as a broker with Windermere
17 Realty Group LLC.

18 1.2 On August 12, 2014, Stohl renewed her broker license. She answered "Yes" to
19 questions regarding criminal conviction and probation in the past 24 months. Stohl disclosed a
20 conviction for Theft 3 (see April 29, 2014 Incident below). OREA opened an investigation and
21 Stohl was issued an Educational Letter of Advice for failing to report the 2014 conviction to
22 OREA within 20 days of the conviction.

23 1.3 On August 22, 2016, Stohl renewed her broker license. She answered, "Yes," to
24 questions regarding criminal conviction and probation in the past 24 months. Stohl disclosed a
25 theft conviction that occurred in January 2016. OREA opened an investigation.

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1 April 29, 2014 Incident:

2 1.4 Loss Prevention Officer, Alex Lucy (Lucy) at Whole Foods (Tigard, OR)
3 witnessed Stohl putting groceries, including four bottles of wine, shrimp and other
4 miscellaneous items into a reusable shopping bag and exit the store without paying for them.
5 Tualatin Police were called and cited Stohl for Theft in the Second Degree. On May 28, 2014,
6 Stohl pled guilty of Theft in the Second Degree (Washington County Circuit Court Case No:
7 D141878M). She was sentenced to 18 months of probation, directed to have no contact with
8 any Whole Food Stores and issued a fine.

9 January 4, 2015 Incident:

10 1.5 On January 4, 2015, Stohl ate a salad at Whole Foods and didn't pay for it. Stohl
11 was detained, but not prosecuted. Stohl explained to OREA Compliance Specialist Denise
12 Lewis that she has an eating disorder that she is currently being treated for.

13 **Violation:** On January 4, 2015, Stohl was detained for Theft at Whole Foods, her
14 actions demonstrated dishonest conduct and violated ORS 696.301(14) (2015 Edition), which
15 states a licensee's real estate license may be subject to discipline if they have committed an
16 act of fraud or engaged in dishonest conduct substantially related to the fitness of the licensee
17 to conduct professional real estate activity, without regard to whether the act or conduct
18 occurred in the course of professional real estate activity.

19 January 23, 2016 Incident:

20 1.6 On January 23, 2016, Stohl was arrested for shoplifting magazines at Whole
21 Foods Market (Tigard, OR). Loss Prevention Officer, Spring Jackson (Jackson) observed
22 Stohl select two magazines from a display, fold them, place them in her purse and cover them
23 with a pair of gloves. Stohl approached the deli where she purchased some hot food and
24 made no attempt to pay for the magazines. She exited the store without paying for the
25 magazines and was stopped by Jackson.

26 1.7 A review of Jackson's loss prevention report dated January 23, 2016, stated,
27 "Stohl has been arrested on a previous occasion at store 10537 on 010415. Stohl was not
28 prosecuted and since this was her second documented theft it was decided to contact police."
29 (See January 4, 2015, Incident above).

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1 1.8 On February 5, 2016, Stohl was charged with Criminal Trespass in the First
2 Degree and Theft in the Third Degree. On April 4, 2016, Stohl pled guilty and was convicted of
3 Theft in the Third Degree (Circuit Court of the State of Oregon for Washington County, Case
4 No: D160474M). Stohl was sentenced to bench probation for 18 months and ordered to have
5 no contact, nor come within 100 yards of Whole Foods. Stohl was sentenced to 12 days in jail
6 and ordered to pay various fees and assessments.

7 1.9 On her August, 22, 2016, renewal Stohl notified OREA of the April 4, 2016
8 conviction.

9 **Violation:** On April 4, 2016, Stohl pled guilty and was convicted of Theft in the Third
10 Degree. By being convicted of Theft in the Third Degree, Stohl violated ORS 696.301(11)
11 (2015 Edition) which states a licensee's real estate license may be subject to discipline if they
12 have committed an act of fraud or engaged in dishonest conduct substantially related to the
13 fitness of the licensee to conduct professional real estate activity, without regard to whether the
14 act or conduct occurred in the course of professional real estate activity.

15 **Violation:** Stohl's actions relating to the January 23, 2016, theft and the subsequent
16 April 4, 2016, conviction demonstrate dishonest conduct, in violation of ORS 696.301(14)
17 (2015 Edition) which states a licensee's real estate license may be subject to discipline if they
18 have committed an act of fraud or engaged in dishonest conduct substantially related to the
19 fitness of the licensee to conduct professional real estate activity, without regard to whether the
20 act or conduct occurred in the course of professional real estate activity.

21 **Violation:** Stohl's actions relating to the January 23, 2016, theft and subsequent April 4,
22 2016, conviction demonstrated conduct below the standard of care for the practice of
23 professional real estate activity in Oregon as established by the community of individuals
24 engaged in the practice of professional real estate activity in Oregon, in violation of ORS
25 696.301(15) (2015 Edition).

26 **Violation:** By failing to notify the Commissioner of the April 4, 2016, criminal conviction,
27 within 20 days, Stohl violated ORS 696.301(3) as it incorporates OAR 863-015-0175(1)(a) and
28 (4) (5-15-14 Edition) which requires a licensee to notify the Commissioner in writing of any
29 criminal conviction within 20 calendar days after receiving written notification of an adverse
30 judgement.

1 (d) Following the initial 2 years of the limited license, Stohl and her principal broker,
2 can send a written request to have the requirements relating to the first two years
3 of the limited license (see section c above) removed. OREA would conduct an
4 inquiry as listed in section (5) below. If there have been no issues, Stohl could
5 have her lockbox access card back and would not be required to be
6 accompanied by another real estate broker or principal broker on all visits during
7 the remainder of the limited license term.

8 (e) The following terms apply to the entire duration of the five year limited license:

- 9 1. Stohl shall not be convicted of any felony or misdemeanor during the limited
10 license term;
11 2. Stohl shall not violate any license law or rule during the limited license term;
12 3. Stohl shall be required to give a copy of this Order to any principal broker
13 Stohl's license is associated with, prior to association, and the principal broker
14 shall acknowledge receiving a copy of this Order in writing to the OREA;

15 (4) The employing principal broker shall immediately notify the OREA of any
16 criminal convictions or license law violations by Stohl during the limited
17 license term, and

18 (5) The restrictions shall continue until Stohl (1) requests an unrestricted license,
19 in writing, and (2) Stohl's principal broker endorses Stohl for an unrestricted
20 license. OREA will conduct an inquiry on Stohl including but not limited to a
21 check through the Law Enforcement Data System. If OREA finds that there is
22 no reason to continue the limited license, an unrestricted license will be
23 issued.

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IT IS FURTHER ORDERED that, should Stohl violate any term or condition of this Order, it may be a basis on which to revoke Stohl's license in accordance with ORS 696.301(13).

PRINCIPAL BROKER'S ACCEPTANCE

I hereby accept and agree to abide by the foregoing, and acknowledge that I have received a copy of this Order on 4/5/17

Judy Adler
Employing Principal Broker's Signature
Print Name Judy P. Adler
License No 570300184

IT IS SO STIPULATED:

IT IS SO ORDERED:

Susan Stohl
SUSAN J. STOHL

Gene Bentley
GENE BENTLEY

Date 4/5/17

Real Estate Commissioner
Date 4.10.17

Date of Service: 4/10/2017