REAL ESTATE AGENCY BEFORE THE REAL ESTATE COMMISSIONER

4	In The Matter of the Real Estate License of	
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6	JOHNNEY LEE TUDOR	FINAL ORDER BY DEFAULT
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- 1.1 On June 21, 2017, the Real Estate Commissioner issued, by certified mail, a notice of intent to revoke the real estate property manager license of Johnney Lee Tudor (Tudor). The Oregon Real Estate Agency (OREA) sent the notice of intent to Tudor's last known address of record with the OREA. The notice of intent was also mailed to Tudor by regular first class mail in a handwritten envelope.
- 1.2 On June 21, 2017, the notice of intent was mailed certified to the following addresses: 184 SE Bowden St, Myrtle Creek, OR 97457, 747 SE Mosher Ave, Roseburg, OR 97470 (address Tudor was believed to be living at), and PO Box 432, Myrtle Creek, OR 97457. The certified mailings to 184 SE Bowden St, Myrtle Creek, OR 97457 and PO Box 432, Myrtle Creek, OR 97457, were both returned to OREA with the following notation, "Return to Sender Attempted- Not Known, Unable to Forward. The certified mailing to 747 SE Mosher Ave, Roseburg, OR was received and signed for by "John Tudor" on the domestic return receipt.
- 1.3 On June 21, 2017, the notice of intent was mailed regular first class mail in a handwritten envelope to the following addresses: 184 SE Bowden St, Myrtle Creek, OR 97457, 747 SE Mosher Ave, Roseburg, OR 97470 (address Tudor was believed to be living at), and PO Box 432, Myrtle Creek, OR 97457. The mailings to 184 SE Bowden St, Myrtle Creek, OR 97457 and PO Box 432, Myrtle Creek, OR 97457, were both returned to OREA with the following notation, "Return to Sender Not Deliverable As Addressed Unable to Forward. The mailing to 747 SE Mosher Ave, Roseburg, OR 97470 has not been returned to OREA.

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- 1.4 Over twenty (20) days have elapsed since the mailing of the notice issued in this matter and no written request for hearing has been received.
- 1.5 Copies of the entire investigation file are designated as the record for purposes of default, including any submission from respondent and all information in the administrative file relating to the mailing of notices and any responses received.

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

- 2.1 Oregon Administrative Rule 863-001-0006 states, in part, that a notice of intent is properly served when deposited in the United States mail, registered or certified mail, addressed to the real estate licensee or to any other person having an interest in a proceeding before the Commissioner at the licensee's or other person's last known address of record with OREA.
- 2.2 Tudor's last known mailing address of record with OREA was PO Box 432 Myrtle Creek, OR 97457. Tudor's last known business address on record with OREA was 184 SE Bowden St, Myrtle Creek, OR 97457.
- 2.3 A certified mailing of the notice of intent was mailed to Tudor at his last known addresses of record on June 21, 2017. The mailings to 184 SE Bowden St, Myrtle Creek, OR 97457 and PO Box 432, Myrtle Creek, OR 97457 were both returned to OREA with the following notation, "Return to Sender Not Deliverable As Addressed Unable to Forward."
- 2.4 A certified mailing of the notice of intent was mailed to Tudor at 747 SE Mosher Ave, Roseburg, OR 97470 (address Tudor was believed to be living at). The certified mailing to 747 SE Mosher Ave, Roseburg, OR was received and signed for by "John Tudor" on the domestic return receipt.
- 2.5 The notice of intent was mailed regular first class mail in a handwritten envelope to the following addresses: 184 SE Bowden St, Myrtle Creek, OR 97457, 747 SE Mosher Ave, Roseburg, OR 97470 (address Tudor was believed to be living at), and PO Box 432, Myrtle Creek, OR 97457. The mailings to 184 SE Bowden St, Myrtle Creek, OR 97457 and PO Box 432, Myrtle Creek, OR 97457 were both returned to OREA with the following notation, "Return to Sender Not Deliverable As Addressed Unable to Forward.

- 2.6 The mailing in the handwritten envelope addressed to Tudor at 747 SE Mosher Ave, Roseburg, OR 97470 has not been returned to OREA. In accordance with ORS 40.135(1)(q), there is a presumption that the mailing properly addressed and placed with the U.S. Postal Service was delivered. That presumption has not been overcome by any evidence.
- 2.7 Over twenty (20) days have elapsed since the mailing of the notice and no written request for a hearing has been received.
- 2.8 Pursuant to ORS 696.775, the expiration of Tudor's license does not prohibit the Commissioner from proceeding with further action.

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FINDINGS OF FACT

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CONCLUSIONS OF LAW

- 3.1 Tudor was licensed as a property manager doing business under the registered business name of 2Doors Property Management between March 3, 2014, and February 28, 2017.
- 3.2 On March 1, 2017, Tudor's property manager license expired and has not been renewed.
- 3.3 On July 11, 2016, OREA received a complaint from Pat Brady (Brady) alleging that Tudor stopped managing his property in February 2016 and had not provided him with any of the property management records.
 - 3.4 On October 5, 2016, OREA opened an investigation.
- 3.5 On January 17, 2017, Brady further alleged that all funds held by Tudor, including owners' reserve funds and security deposits estimated to be between \$2,000 and \$3,000, were also not provided to him.
- 3.6 OREA Investigator/Auditor Aaron Grimes (Grimes) made multiple attempts to reach Tudor regarding the investigation. Brady informed Grimes that Tudor works at a secondhand store located at 747 SE Mosher in Roseburg.

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- 3.7 On January 25, 2017, Grimes sent a demand letter to Tudor for documents relating to the management of Brady's property. Additionally, Grimes requested recent reconciliations for Tudors' clients' trust accounts. The demand letter was mailed to Tudor's address of address of record and was returned marked, "Return to Sender-No Mail Receptacle- Unable to Forward."
- 3.8 Tudors' address of record and main office location in OREA's licensing database is 184 SE Bowden St, Myrtle Creek, OR 97457.
- 3.9 On February 22, 2017, Grimes drove to 2Doors Property Management main office location on file with OREA records and found no signage for 2 Doors Property Management. Grimes spoke with the resident (Tudor's ex-wife) who told him Tudor had moved out over a year ago. She said Tudor lives with his girlfriend in Roseburg at a location that is also his secondhand/antique store.

Violation: By failing to notify OREA of the change of office location prior to moving the business location, Tudor violated ORS 696.301(3) as it incorporates ORS 696.200(1)(d) and (2) (2015 and 2017 Editions). ORS 696.200(1)(d) states a property manager shall notify OREA of the new office location before changing a main office location. ORS 696.200(2) states the change of a business location without notification to the agency as required by subsections (1) and (5) of this section is grounds for revocation of a real estate license.

- 3.10 On February 22, 2017, Grimes visited Tudors' secondhand store located at 747 SE Mosher, Roseburg, Oregon. Grimes dropped his business card and a demand letter through the mail slot at the property.
- 3.11 Tudor has not responded to any of OREA's communication attempts regarding the investigation or provided the requested documentation in response to the demand letters.

Violation: By failing to have his records open for inspection by the Commissioner's authorized representative, Tudor violated ORS 696.301(3) as it incorporates ORS 696.280(3) (2015 and 2017 Editions). ORS 696.280(3) requires records of a property manager to be open at all times for inspection by the Real Estate Commissioner or the commissioner's authorized representatives.

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20 21 **Violation** By failing to provide and produce the requested property management records, Tudor violated ORS 696.301(3) as it incorporates OAR 863-025-0035(2) (11-15-16 Edition). OAR 863-025-0035(2) states a property manager must produce records under section (1) of this rule for inspect by the Agency as follows: (a) When the Agency makes a request for production of property management records, the property manager must provide such records within no less than five banking days; and (b) If the Agency has reasonable grounds to believe the funds of an owner or tenant may be missing or misappropriated or that the property manager is engaged in fraudulent activity, any records demanded or requested by the Agency must be produced immediately; and (c) Failure to produce such records within the timelines stated in (a) or (b) of this section is a violation of ORS 696.301.

- 3.12 The above violations demonstrate incompetence in performing acts for which Tudor is required to hold a license.
- 3.13 **Violation:** ORS 696.301(12) (2015 and 2017 Editions) which states a licensee's real estate license can be disciplined if they have demonstrated incompetence in performing any act for which the licensee is required to hold a license.

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The above violations are grounds for discipline pursuant to ORS 696.301. Based on these violations, OREA is revoking Tudor's property manager license. A revocation is appropriate under ORS 696.396 (2)(c)(B). Per ORS 696.396, OREA may revoke a real estate license if the material facts establish a violation of a ground for discipline under ORS 696.301 that exhibits incompetence in the performance of professional real estate activity.

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1	ORDER	
2	IT IS HEREBY ORDERED that Tudor's property manager license is revoked	
3	Dated this Z3 ¹⁰ day of, 2017.	
4	Dated this Z3 day of, 2017.	
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6	OREGON REAL ESTATE AGENCY	
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10	GENE BENTLEY)	
11	Real Estate Commissioner	
12 13	(2) (2) (2)	
14	Date of Service.	
15	NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by	
16	filing a petition for review within 60 days from the date of service of this order. Judicial review	
17	is pursuant to the provisions of ORS 183.482.	
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6 of 6 - Final Order by Default- Johnney Lee Tudor