

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Principal Broker License)
5 and Broker License Application of)
6 LUCINDA G. CHAPMAN)

STIPULATED FINAL ORDER

7
8
9
10 The Oregon Real Estate Agency (Agency) and Lucinda G. Chapman (Chapman) do
11 hereby agree and stipulate to the following:

12 FINDINGS OF FACT
13 &
14 CONCLUSIONS OF LAW

15 1.

16 1.1 At all times mentioned herein, Chapman was licensed as a principal broker
17 working under the registered business name Oregon Coast Properties.

18 1.2 On October 17, 2016, the Agency received a complaint alleging Chapman had
19 been listing properties without owner authorization. A second complaint regarding Chapman
20 was received on October 20, 2016.

21 1.3 On March 15, 2017, the Agency opened an investigation. The investigation
22 focused on four separate property listings:

23 720 SW 6th St Unit 208 Newport, Oregon:

24 1.4 Chapman signed a listing agreement with property owners George and Karen
25 Mpitsos (the Mpitsos). Karen Mpitsos signed and dated the listing agreement on September
26 15, 2010. The agreement stated an expiration date of September 9, 2011. Chapman signed
27 the agreement on September 16, 2010. George Mpitsos did not sign the agreement, but
28 appeared to initial the first page of the agreement.

29 1.5 The listing agreement stated, "No extension or renewal of the agreement shall be
30 effective unless it is in writing, signed by SELLER and PRINCIPAL BROKER."

1 1.6 Sometime around May 17, 2011, Chapman printed a copy of the ad for the
2 property from Lincoln County MLS. Chapman wrote on the ad, "Please extend to 2-28-2012."
3 She initialed the document twice and George Mpitsos signed it once. It appears the "2-28-
4 2012," date was changed to "2-28-2013" and then to "2-28-2017." Karen Mpitsos did not sign
5 any document relating to an extension of the listing agreement.

6 1.7 The MLS history shows Chapman extended the listing multiple times from 2012-
7 2016. The listing was cancelled on September 26, 2016.

8 1.8 Chapman was unable to produce anything else in writing specifically pertaining to
9 the extensions. She said some of the extensions were done verbally.

10 **Violation:** By continuing to advertise the property and extend the listing without written
11 consent of the owners over multiple years, Chapman violated ORS 696.301(3) as it
12 incorporates OAR 863-015-0125(2)(e) (9-1-11, 9-14-2012 and 5-15-2014 Editions), which
13 requires advertising be done only with the written permission of the property owner(s) or
14 owner(s) authorized agent.

15 3360 NW Oceanview Dr. #D, Newport, OR

16 1.9 On July 23, 2014, Lillie and Patrick Fishers (Fishers) signed and dated a listing
17 agreement with Chapman. The expiration date was July 22, 2015. Chapman failed to sign the
18 listing agreement, however, she did initial and date, "7/23/14" on the second page of the
19 agreement.

20 **Violation:** By failing to sign the listing agreement, Chapman violated ORS 696.301(3)
21 as it incorporates OAR 863-015-0130(2)(d) (5-15-14 Edition), which requires listing
22 agreements to be signed by all parties to the agreement.

23 1.10 The listing agreement stated, "No extension or renewal of the agreement shall be
24 effective unless it is in writing signed by "SELLER" and "PRINCIPAL BROKER."

25 1.11 Chapman extended the listing on MLS on July 16, 2015, and again later on July
26 15, 2016 she extended the listing to July 22, 2017.

27 1.12 Chapman provided another copy of the listing agreement, stating an expiration
28 date of July 22, 2015. This copy was not signed by the Fishers, however notations with their
29 initials were on the document. On July 22, 2017, Chapman signed and dated this copy of the
30 listing contract.

1 1.13 Chapman could not provide anything specifically showing the Fishers' written
2 agreement to extend the listing of their property past the expiration date of July 22, 2015.

3 1.14 From February 10, 2016, to July 22, 2017, Chapman continued to have the
4 Fishers' property listed without their written authorization to do so.

5 **Violation:** By failing to obtain signatures of all parties on an updated listing agreement
6 and continuing to advertise the property and extend the listing without written consent of the
7 owners, Chapman violated ORS 696.301(3) as it incorporates OAR 863-015-0125(2)(e) (5-15-
8 2014 and 11-15-2016 Editions), which requires advertising be done only with the written
9 permission of the property owner(s) or owner(s) authorized agent.

10 56 B NW 33rd St Newport, Oregon

11 1.15 On January 17, 2010, Nicolas and Patricia Watt (Watts) signed a listing
12 agreement. The expiration date on the listing was September 14, 2012. The listing agreement
13 stated, "No extension or renewal of the agreement shall be effective unless it is in writing and
14 signed by SELLER and PRINCIPAL BROKER."

15 1.16 MLS records show Chapman extended the listing multiple times over the years,
16 the last extension took place in December 28, 2015, extending the listing to December 31,
17 2016.

18 1.17 Chapman did not provide anything during the investigation that showed the
19 Watts' written agreement to extend the listing past the expiration date of September 14, 2012.

20 **Violation:** By continuing to advertise the property and extend the listing without written
21 permission from the Watts, Chapman violated ORS 696.301(3) as it incorporates OAR 863-
22 015-0125(2)(e) (9-14-2012, and 5-15-2014 Editions), which requires advertising be done only
23 with the written permission of the property owner(s) or owner(s) authorized agent.

24 1.18 On August 27, 2015, the property was reconveyed to Bank of New York Mellon.

25 1.19 As of October 3, 2016, an ad for the property stated the price was subject to
26 lender approval of a short sale. It also stated the owner was "Watts" and failed to indicate the
27 property was bank/lender owned.

28 1.20 Chapman did not have the Bank of New York Mellon's written permission to allow
29 her to list the property after the transfer of ownership
30

1 **Violation:** By failing to obtain written permission from the property owner to advertise
2 the property for sale after the ownership transfer Chapman violated ORS 696.301(3) as it
3 incorporates OAR 863-015-0125(2)(e) (5-15-2014 Edition).

4 0 Sea Crest, Otter Rock, Oregon:

5 1.21 Philip and Karen Griffin (Griffins) signed a listing agreement with Chapman on
6 February 21, 2013. The listing agreement stated an expiration date of September 20, 2013.

7 1.22 MLS records indicate Chapman had been advertising the property as early as
8 October 28, 2011 (prior to the listing agreement).

9 1.23 Chapman was unable to provide any written agreement allowing her to list the
10 property prior to February 21, 2013.

11 **Violation:** By failing to obtain written permission from the property owners for
12 advertising done prior to February 21, 2013, Chapman violated ORS 696.301(3) as it
13 incorporates OAR 863-015-0125(2)(e) (6-15-10, 4-15-11, 9-1-11, and 9-14-12 Editions), which
14 requires advertising be done only with the written permission of the property owner(s) or
15 owner(s) authorized agent.

16 1.24 MLS records show the listing was extended several times by Chapman over the
17 years, with the last extension occurring on December 28, 2015, extending the listing to
18 December 31, 2016.

19 1.25 Chapman was unable to provide any documentation showing written permission
20 from the owners to extend the listing past the expiration date of September 20, 2013.

21 **Violation:** By continuing to advertise the property and extending the listing without
22 written permission from the owner, Chapman violated ORS 696.301(3) as it incorporates OAR
23 863-015-0125(2)(e) (4-1-13, 5-15-2014 Editions), which requires advertising be done only with
24 the written permission of the property owner(s) or owner(s) authorized agent.

25 1.26 On May 18, 2016, the Griffins listed the property with another broker. During this
26 time, Chapman was still adverting the property without written authorization to do so.
27 Chapman's listing on MLS was cancelled on September 19, 2016.

28 ///

29 ///

30 ///

1 4.

2 ORDER

3 IT IS HEREBY ORDERED that Chapman's principal broker license is hereby
4 surrendered.

5 IT IS FURTHER ORDERED that Chapman be issued a real estate broker's license,
6 (provided she has completed the broker application and paid the broker licensing fee) with
7 limitations as set forth below:

8 (a) The limited license term shall be indefinite;

9 (b) Chapman shall not be convicted of any felony or misdemeanor during the limited
10 license term;

11 (c) Chapman shall not violate any license law or rule during the limited license term:

12 (d) Chapman shall be required to give a copy of this Order to any principal broker
13 through whom she is licensed during the limited license term, prior to licensing, and the
14 principal broker shall acknowledge receiving a copy of this Order in writing to the Agency;

15 (e) The employing principal broker shall immediately notify the Agency of any license
16 law violations by Chapman during the limited license term, and

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

20 IT IS FURTHER ORDERED that Chapman complete the 27-hour Broker Advanced
21 Practices course, (detailed in OAR 863-022-0020, 1-1-2018 Edition), within four months from
22 the effective date of this order. Chapman must submit a certificate to the Agency showing
23 completion of the 27- hour Broker Advanced Practice Course. This certificate must be
24 submitted to the Agency no later than 10 days after the education has been completed.

25 ///

26 ///

27 ///

28 ///

29 ///

30 ///

1 PRINCIPAL BROKER'S ACCEPTANCE

2 I hereby accept and agree to abide by the foregoing and acknowledge that I have
3 received a copy of the stipulated final order on 8-24-18.

4
5 Sherman Leitgeb
6 Employing Principal Broker (Please print name)

7 [Signature]
8

9 Employing Principal Broker's Signature

10 License No. 9512.00011

11
12 IT IS SO STIPULATED:

IT IS SO ORDERED:

13
14 Lucinda Chapman
15
16 LUCINDA CHAPMAN

Dean Owens
DEAN OWENS

Acting Real Estate Commissioner

17
18 Date 8-24-2018

Date 9/7/2018

19
20 Date of Service: 9/7/2018