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REAL ESTATE AGENCY BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional Real Estate Activity of

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Toni Lynn O'Hara (O'Hara) do hereby agree and stipulate to the following:

FINDINGS OF FACT

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CONCLUSION OF LAW

- On September 18, 2017, the Agency received a complaint alleging O'Hara may 1.1 be operating without a property manager license. On September 25, 2017, the Agency opened an investigation.
- O'Hara was licensed as a property manager with Viking Property Management. 1.2 On December 1, 2011, her property manager expired and later lapsed on December 1, 2012.
- O'Hara told the Agency she thought she had successfully completed her license 1.3 renewal.
- On April 21, 2014, O'Hara contacted the Agency to check on the status of her 1.4 license. She was told her license had lapsed and was told the process to submit a new application to obtain a license.
- On April 21, 2014, O'Hara applied for a new property manager license but failed 1.5 to complete all the required steps.
- From the time her license expired through March 21, 2018, O'Hara continued to 1.6 engage in the management of rental real estate activity. As of March 21, 2018, she was managing approximately 150 properties. ///

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Violation: By continuing to conduct professional real estate activity from December 1, 2011 through March 21, 2018, O'Hara violated ORS 696.020(2) (2015 and 2017 Editions), which states an individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state unless the individual holds an active license. Professional real estate activity is defined in ORS 696.010(14) (2015 Edition), ORS 696.010(17) (2017 Edition), and includes management of rental real estate as defined per ORS 696.010(11) (2015 Edition), ORS 696.010(14) (2017 Edition).

- 1.7 Through a settlement conference, O'Hara provided mitigating circumstances which allowed the Agency to reduce the civil penalty.
- 1.8 O'Hara completed the licensing process and on July 18, 2018, she was issued a property manager license.

STIPULATION & WAIVER

I have read and reviewed the above findings of fact and conclusions of law which have been submitted to me by the Agency 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 the Agency 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 that pursuant to ORS 696.990(1) to (9) and based upon the violation set forth above, O'Hara pay a civil penalty in the sum of \$18,800.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to the Agency. The civil penalty is computed in accordance with ORS 696.990(4) and (9) in that each 30-day period of unlicensed activity is considered one violation. In this instance, there were seventy-six 30-day periods of unlicensed activity.

IT IS SO STIPULATED:

IT IS SO ORDERED:

TONI LYNNE O'HARA

DEAN OWENS

Date 8/9/18

Acting Real Estate Commissioner

Date 8/15/2018

Date of Service: 8 15 2018