

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 BARBARA SILVER) STIPULATED FINAL ORDER
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10 The Oregon Real Estate Agency (OREA) and Barbara Silver (Silver) do hereby agree
11 and stipulate to the following:

12 FINDINGS OF FACT
13 &
14 CONCLUSIONS OF LAW

15 1.

16 1.1 Silver was licensed as a principal broker with United Country Peaceful Escape
17 Real Estate (United Country PERE) from September 9, 2010 to April 5, 2017. Silver's license
18 was also associated with Peaceful Escape Real Estate LLC (Peaceful Escape Real Estate)
19 since July 22, 2009, and she is currently still working under this company.

20 1.2 On June 21, 2016, Silver associated Richard Wise's (Wise) broker license with
21 United Country PERE.

22 1.3 Soon after Wise was associated with United Country PERE, Silver drove down
23 from Fall Creek, Oregon, to meet with Wise, who was in Brookings, Oregon, to discuss him
24 working under her supervision.

25 1.4 In July 2016, OREA received a complaint against Wise related to his advertising
26 and alleging that Wise was working out a branch office located at 16189 Hwy 101 S,
27 Brookings, OR 97415, that was not registered with OREA.

28 1.5 On August 23, 2016, OREA issued an Educational Letter of Advice (ELOA) to
29 Wise, regarding advertising. Specifically, Wise was found to be in violation of OAR 863-015-
30 0125(2)(b) and OAR 863-015-0125(5)(a). Silver received a copy of the ELOA mailed to Wise.

1 1.6 Silver said she spoke with Wise about the issues addressed in the ELOA and he
2 assured her they had been or were being taken care of.

3 1.7 In September 2016, OREA received further complaint information regarding
4 Wise's advertising. A photo showed a United Country Real Estate banner with Wise's name
5 and phone number outside his office location in Brookings.

6 1.8 On September 29, 2016, OREA issued an ELOA to Silver regarding her
7 supervision of Wise. She was advised of Wise's continued noncompliance with the advertising
8 rules. Silver was also advised that Wise was working out of a building with a United County
9 Real Estate banner that was not registered as a branch office.

10 1.9 Silver claimed she did not receive the September 29, 2016, ELOA. The letter
11 was not returned to OREA.

12 1.10 Towards the end of January 2017, Silver started transitioning away from United
13 Company PERE towards the use of Peaceful Escape Real Estate.

14 1.11 On January 30, 2017, Silver filled out an office change form to update RMLS.
15 She stated to RMLS that the new name of her office was Peaceful Escape Real Estate. She
16 gave a new address for her company at 39074 Jasper Lowell Rd, Fall Creek (Fall Creek
17 general store/real estate office).

18 1.12 On February 2, 2017, Wise and Silver filled out a subscriber change form to
19 update RMLS. They stated Wise transferred from United Country PERE to Peaceful Escape
20 Real Estate.

21 1.13 After February 9, 2017, Wise advertised his listings in the magazine and website
22 of move2oregon.com under the registered business name of Peaceful Escape Real Estate.
23 Silver reviewed this advertising by Wise.

24 1.14 Silver failed to associate Wise's license with Peaceful Escape Real Estate in
25 OREA licensing database. Wise's license was never associated with Peaceful Escape Real
26 Estate in OREA records.

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1 **Violation:** By failing to associate Wise's license with Peaceful Escape Real Estate with
2 OREA prior to Wise advertising under Peaceful Escape Real Estate, Silver violated ORS
3 696.301(3) as it incorporates ORS 696.026(6) and (7) (2015 Edition). Per ORS 696.026(6), a
4 principal real estate broker may only conduct professional real estate activity under: (a) the
5 principal broker's licensed name or; (b) a registered business name. Per ORS 696.026(7), if a
6 principal broker has a registered business name: (a) All professional real estate activity
7 conducted by the principal broker must be conducted under the registered business name; and
8 (b) all professional real estate activity conducted by a real estate licensee associated with the
9 principal broker must be conducted under the registered business name.

10 Silver also violated ORS 696.301(3) as it incorporates OAR 863-015-0125(2)(b),(4), and (6)
11 (5-15-14 Edition). Per OAR 863-015-0125(2)(b), advertising by a licensee in process and in
12 substance must be truthful and not deceptive or misleading. OAR 863-015-0125(4) states the
13 licensed name or registered business name of the principal real estate broker must be
14 prominently displayed, immediately noticeable, and conspicuous in all advertising. Per OAR
15 863-015-0125(6) a principal real estate broker: (a) is responsible for all advertising approved
16 by the principal broker that states the principal broker's licensed name or registered business
17 name; and (b) must review all advertising of a real estate broker who is associated with the
18 principal real estate broker.

19 Lastly, Silver violated ORS 696.301(3) as it incorporates OAR 863-015-0140(3) (5/15/2014
20 Edition), which states a principal broker must supervise and control the professional real estate
21 activity at any main or branch office registered by the principal broker.

22 1.15 On March 13, 2017, OREA Investigator/Auditor Aaron Grimes visited the building
23 Wise was working out of in Brookings. Wise's business card was in the window. The
24 company name on the card was, "United Country Real Estate," with "Peaceful Escape," in a
25 smaller, stylized font underneath.

26 1.16 Inside and visible through the glass, Wise had "For Sale," signs that listed his
27 name, phone number and "United Country." Business hours were posted by the front door,
28 with his phone number and a handwritten, "Real Estate Office," sign.

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1 1.17 Grimes spoke with Wise on March 14, 2017. Wise had a large "United Country
2 Real Estate" sign with his name and phone number inside the office above his computer and
3 desk. Previously this sign had been hanging outside the business location.

4 **Violation:** By allowing Wise to continue to conduct professional real estate activity out
5 of his office in Brookings, and failing to register the location as a branch office, Silver violated
6 ORS 696.301(3) as it incorporates ORS 696.200(5) (2015 Edition), which requires a principal
7 broker to register each branch office with OREA and designate each branch office by a sign
8 that contains the name under which the real estate licensee conducts professional real estate
9 activity.

10 1.18 On April 4, 2017, Grimes met with Silver, at her new main office location for
11 United Company PERE, the Fall Creek general store/real estate office located at 39074 Jasper
12 Lowell Rd, Fall Creek.

13 1.19 Until Silver updated OREA's licensing system on April 6, 2018, the main office
14 location disclosed to OREA for United Country PERE was 39570 Little Fall Creek Rd, Fall
15 Creek (Silver's Home)

16 **Violation:** By failing to notify OREA prior to the main office location change, Silver
17 violated ORS 696.301(3) as it incorporates ORS 696.200(1)(d) (2015 Edition), which requires
18 a principal broker to notify OREA of the new location before changing a main office location.

19 1.20 When Grimes met with Silver on April 4, 2017, OREA licensing records showed
20 United Country PERE had a branch office in Cottage Grove. Silver told Grimes that this
21 location was no longer active. Until Silver updated OREA licensing database on April 4, 2017,
22 this branch office closure had not been disclosed to OREA.

23 **Violation:** By failing to notify OREA of a change in branch office location, Silver violated
24 ORS 696.301(3) as it incorporates ORS 696.200(5)(c) (2015 Edition), which states a principal
25 broker shall notify OREA of the new location before changing a branch office location.

26 2.

27 2.1 OREA reserves the right to investigate and pursue additional complaints that
28 may be received in the future regarding this licensee.

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STIPULATION & WAIVER

I have read and reviewed the above findings of fact and conclusions of law which have been submitted to me by OREA 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 OREA 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 Silver's principal broker license be, and hereby is, reprimanded.

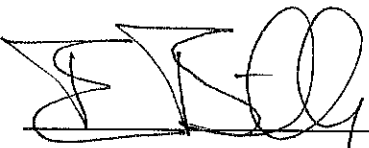
IT IS SO STIPULATED:



BARBARA SILVER

Date 4-16-18

IT IS SO ORDERED:



GENE BENTLEY

Real Estate Commissioner

Date 4.20.18

Date of service: 4/20/2018