

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate License of

5
6 RICHARD E. WISE

7
8 } STIPULATED FINAL ORDER
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10 The Real Estate Agency (OREA) and Richard E. Wise (Wise) do hereby agree and
11 stipulate to the following:

12 FINDINGS OF FACT
13 &
14 CONCLUSIONS OF LAW

15 1.

16 1.1 Wise was licensed as a broker associated with United Country – Realty on the
17 Rogue from November 28, 2015, to June 1, 2016. His license was then associated with United
18 Country Peaceful Escape Real Estate (United Country PERE) from June 21, 2016, to April 5,
19 2017.

20 1.2 In July 2016, OREA received a complaint against Wise related to his advertising
21 and alleging that Wise was working out of a branch office located at 16189 Hwy 101 S,
22 Brookings OR 97415 (United Country PERE branch office) that was not registered with OREA.
23 The complaint stated signage at this location and Wise’s listings did not contain the “Peaceful
24 Escape” portion of the registered business name.

25 1.3 On August 23, 2016, OREA issued an Educational Letter of Advice (ELOA) to
26 Wise, regarding advertising. Specifically, Wise was found to be in violation of OAR 863-015-
27 0125(2)(b) and OAR 863-015-0125(5)(a). Barbara Silver (Silver), Wise’s principal broker,
28 received a copy of the ELOA mailed to Wise.

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1 1.4 In September 2016, OREA received additional information showing a photo of a
2 large banner with "United County Real Estate," with Wise's name and phone number outside
3 the United Country PERE branch office. This location was still not registered with OREA as a
4 branch office.

5 1.5 In October 2016 OREA opened an investigation.

6 1.6 From the investigation, OREA learned Wise had adverse judgements against him
7 that he failed to report. In November 2, 2016, a judgement against Wise was issued by Curry
8 County Circuit Court ordering him to pay a money award of \$3,240.00 to his previous principal
9 broker, Shirley Chamberlain. OREA did not learn about this judgement until

10 Investigator/Auditor Aaron Grimes (Grimes) met with Wise, on March 14, 2017.

11 **Violation:** By failing to notify OREA within twenty calendar days after receipt of the
12 judgement, Wise violated ORS 696.301(3) as it incorporates OAR 863-015-0175(1)(b) and (c),
13 (3), and (4) (5/15/2014 Edition). Per OAR 863-015-0175 (1) real estate licensees must notify
14 the commissioner of: (b) any adverse decision or judgement resulting from any civil or criminal
15 suit or action or arbitration proceeding related to the licensee in which the licensee was named
16 as a party and against whom allegations concerning any business conduct or professional real
17 estate activity is asserted; and (c) any adverse decision or judgment resulting from any other
18 criminal or civil proceeding that reflects adversely on the "trustworthy and competent"
19 requirements contained in ORS Chapter 696 and its implementing rules. (3) The notification
20 required by this rule must be in writing and must include a brief description of the
21 circumstances involved, the names of the parties, and a copy of the adverse decision,
22 judgement, or award, and in the case of a criminal conviction, a copy of the sentencing order.
23 If any such judgement, award or decision is appealed, each subsequent appellate court
24 decision is subject to this rule's notification requirements. (4) The notification required by this
25 rule must be made within twenty 20 calendar days after receiving written notification of an
26 adverse judgement, award, or decision described in this rule. Notification must be made under
27 this rule whether or not the decision is appealed.

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1 1.7 On April 25, 2016, Wise was sentenced for Driving Under the Influence of
2 Intoxicants. He pled guilty and diversion was stipulated to. The Diversion Order was signed
3 on April 25, 2016. OREA did not find out about this conviction until March 14, 2017. On April
4 17, 2017, Wise paid his fine and a Dismissal of Show Cause and Notice of Intent to dismiss
5 the DUII Diversion was filed in Curry County Circuit Court.

6 **Violation:** By failing to notify OREA of the criminal conviction within 20 calendar days,
7 Wise violated ORS 696.301(3) as it incorporates OAR 863-015-0175(1)(a), (3), and (4)
8 (5/15/2014 Edition). Per OAR 863-015-0175, (1) real estate licensees must notify the
9 commissioner of: (a) any criminal conviction (felony or misdemeanor), including a “no contest”
10 plea or bail forfeiture; (3) The notification required by this rule must be in writing and must
11 include a brief description of the circumstances involved, the names of the parties, and a copy
12 of the adverse decision, judgement, or award, and in the case of a criminal conviction, a copy
13 of the sentencing order. If any such judgement, award or decision is appealed, each
14 subsequent appellate court decision is subject to this rule’s notification requirements. (4) The
15 notification required by this rule must be made within twenty 20 calendar days after receiving
16 written notification of an adverse judgement, award, or decision described in this rule.
17 Notification must be made under this rule whether or not the decision is appealed.

18 1.8 Wise had signs for “United Country,” with his name and phone number around
19 Brookings. His signature block on his emails stated he worked for “United Country Real
20 Estate,” instead of United Country PERE.

21 **Violation:** By advertising under United Country Real Estate rather than United Country
22 PERE, Wise violated ORS 696.301(3) as it incorporates ORS 696.026(7)(b) (2015 Edition),
23 OAR 863-015-0125(4) and (9)(b)(B) (5/15/2014 Edition). Per ORS 696.026(7)(b) (2015
24 Edition), if the principal broker has a registered business name: (b) all professional real estate
25 activity conducted by a real estate licensee associated with the principal broker must be
26 conducted under the registered business name. OAR 863-015-0125(4) requires that the
27 licensed name or registered business name of the principal broker must be prominently
28 displayed, immediately noticeable, and conspicuous in all advertising. OAR 863-015-
29 0125(9)(b)(B) requires electronic advertising to include on its first page the licensed name or
30 registered business name of the principal broker. Lastly, Wise violated ORS 696.301(4), and

1 14) (2015 Edition), which states a licensee's real estate license can be disciplined if they have:
2 (4) knowingly or recklessly published materially misleading or untruthful advertising.

3 1.9 On February 2, 2017, Wise and Silver filled out a subscriber change form to
4 update RMLS. They stated Wise transferred from United Country PERE to Peaceful Escape
5 Real Estate.

6 1.10 After February 9, 2017, Wise advertised his listings in the magazine and website
7 of move2oregon.com under the registered business name of Peaceful Escape Real Estate.
8 Wise's license was never associated with Peaceful Escape Real Estate in OREA records.

9 **Violation:** By advertising under the business name Peaceful Escape Real Estate while
10 associated with United Country PERE, Wise violated ORS 696.301(3) as it incorporates ORS
11 696.026(7)(b) (2015 Edition) and OAR 863-015-0125(2)(b) and (4) (5/15/2014 Edition). Per
12 ORS 696.026(7)(b) (2015 Edition), if the principal broker has a registered business name: (b) all
13 professional real estate activity conducted by a real estate licensee associated with the
14 principal broker must be conducted under the registered business name. Per OAR 863-015-
15 0125(2)(b), advertising by a licensee, in process and in substance must: (b) be truthful and not
16 deceptive or misleading. OAR 863-015-0125(4) requires that the licensed name or registered
17 business name of the principal broker must be prominently displayed, immediately noticeable,
18 and conspicuous in all advertising. Lastly, Wise violated ORS 696.301(4) (2015 Edition), which
19 states a licensee's real estate license can be disciplined if they have: (4) knowingly or
20 recklessly published materially misleading or untruthful advertising.

21 All of the above demonstrate incompetence in performing acts for which Wise is
22 required to hold a license.

23 **Violations:** ORS 696.301(12) (2015 Edition). ORS 696.301(12) states a licensee's real
24 estate license can be disciplined if they have demonstrated incompetence or untrustworthiness
25 in performing any act for which the real estate licensee is required to hold a license.

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

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 Wise's broker license be, and hereby is, reprimanded.

IT IS SO STIPULATED:

IT IS SO ORDERED:

Richard E. Wise

Gene Bentley

RICHARD E. WISE

GENE BENTLEY

Real Estate Commissioner

Date 4/16/18

Date 4.23.18

Date of Service: 4/23/2019