

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Unlicensed Professional
5 Real Estate Activity of
6
7 ELYSE ALLEN
8

STIPULATED FINAL ORDER AND ORDER
TO CEASE AND DESIST

9
10 The Oregon Real Estate Agency (Agency) and Elyse Allen (Allen) do hereby agree and
11 stipulate to the following:

12 FINDINGS OF FACT
13 &
14 CONCLUSIONS OF LAW

15 1.

16 1.1 At all times mentioned herein, Allen was not licensed to conduct professional real
17 estate activity in Oregon.

18 1.2 Allen held an active Idaho real estate license.

19 1.3 On March 1, 2018, the Agency received a fax showing Allen as the listing agent
20 on a property located at 1935 17th Street, Baker City, Oregon 97814 (subject property).

21 1.4 On December 19, 2017, Allen entered into a Property Listing Agreement with
22 Res.Net real estate systems for the subject property. Res.Net is an online platform that
23 represents loan servicers, lenders, and asset management companies in disposing of
24 foreclosed properties in their possession.

25 1.5 In late December 2017 Allen corresponded with buyer's agent Evan Kaseberg
26 (Kaseberg) several times regarding a potential offer from Kaseberg's clients.

27 1.6 On December 27, 2017, Kaseberg emailed Allen, "I just spoke with my client and
28 he is willing to go to \$111,111. Kind of an oddball figure but that's what he wants to do. If you
29 could just let me know where we stand when you're able to."

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1 1.7 On December 28, 2017, Allen emailed Kaseberg, "Remind me if your [sic] asking
2 seller to pay and BCC."

3 1.8 On December 28, 2017, Allen emailed Kaseberg stating, "Thanks for your offer
4 however my Seller has countered another offer at this time. If something changes and they do
5 not accept I will be sure to call you right away. Thanks."

6 1.9 On January 3, 2018, Allen text Kaseberg, "Thanks-your client actually called me
7 today and I informed him that I gave the other buyers agent that my seller countered a
8 deadline of today and they have decided to pass because the seller will not pay closing costs.
9 Do you see a problem with VA financing for that house?"

10 1.10 The communication between Allen and Kaseberg continued directing Kaseberg
11 to resubmit the offer, with an approval letter.

12 1.11 On January 4, 2018, Kaseberg text Allen, "Submitted our offer. Price
13 \$122,222.22 VA Loan Not asking for any closing costs. Only the microwave and a home
14 inspection."

15 1.12 The Residential Real Estate Sale Agreement was signed by the buyer on
16 January 4, 2018.

17 1.13 The investigation revealed that Allen co-listed the subject property with an
18 Oregon real estate licensee. A document titled "Commission Disbursement for 1935 17th St
19 Baker City Oregon" showed that Allen and Gregory McLean (McLean) (who held an Oregon
20 broker license) would share 50% of the listing commission. The signature dates were October
21 27, 2017.

22 1.14 Allen was compensated for listing the subject property. Records showed a check
23 in the amount of \$1,527.78 was made payable to Coldwell Banker Tomlinson Group LLC (the
24 company Allen's Idaho license was associated with).

25 **Violation:** By listing, negotiating, and assisting in the procuring of prospects calculated
26 to result in the sale of the subject property, Allen engaged in professional real estate activity as
27 described in ORS 696.010(14)(d)(j)(k) (2015 Edition), ORS 696.010(17)(d)(j)(k) (2017 Edition).
28 Allen engaged in professional real estate activity without having an Oregon real estate license
29 in violation of ORS 696.020(2) (2015 and 2017 Editions), which states an individual may not
30 engage in, carry on, advertise or purport to engage in or carry on professional real estate

1 activity or in the capacity of a real estate licensee, within this state unless the individual holds
2 an active license.

3 **STIPULATION & WAIVER**

4 I have read and reviewed the above findings of fact and conclusions of law which have
5 been submitted to me by the Agency and further, the order which follows hereafter. I
6 understand that the findings of fact, conclusions of law and this stipulation and waiver embody
7 the full and complete agreement and stipulation between the Agency and me. I further
8 understand that if I do not agree with this stipulation I have the right to request a hearing on
9 this matter and to be represented by legal counsel at such a hearing. Hearings are conducted
10 in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the
11 Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. I
12 freely and voluntarily waive my rights to a hearing, to representation by legal counsel at such a
13 hearing, and to judicial review of this matter.

14 I hereby agree and stipulate to the above findings of fact and conclusions of law and
15 understand that the order which follows hereafter may be completed and signed by the Real
16 Estate Commissioner or may be rejected by the Real Estate Commissioner.

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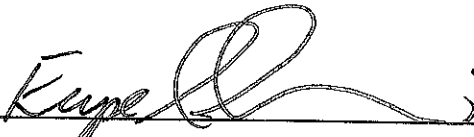
ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Allen immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(17)(a) to (n) (2017 Edition) unless Allen first obtains a real estate license from the Agency. The Commissioner's authority for this order is under ORS 696.397.

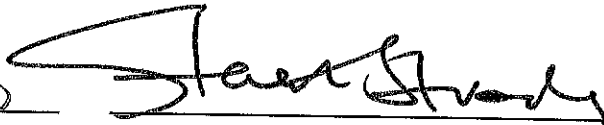
IT IS FURTHER ORDERED that, pursuant to ORS 696.990 and based upon the violation set forth above, Allen pay a civil penalty in the sum of \$250.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to the Agency.

IT IS SO STIPULATED:

IT IS SO ORDERED:



ELYSE ALLEN



Steven Strode

Real Estate Commissioner

Date 7/11/2019

Date 7/23/19

Date of Service: 7/23/2019