1 REAL ESTATE AGENCY 2 BEFORE THE REAL ESTATE COMMISSIONER 3 In the Matter of the Real Estate License of 4 5 6 GEORGINA FRANKLIN STIPULATED FINAL ORDER 7 8 9 10 The Oregon Real Estate Agency (Agency) and Georgina Franklin (Franklin) do hereby 11 agree and stipulate to the following: 12 FINDINGS OF FACT 13 14 CONCLUSIONS OF LAW 15 1. 16 1.1 Franklin is licensed as a real estate broker with the Agency. On January 31, 17 2019, Franklin renewed her broker license. On the license renewal, Franklin disclosed she 18 had been fined and was in the process of paying civil penalties to the Construction Contractor 19 Board (CCB). The Agency opened an investigation. 20 1.2 On or around July 31, 2017, Franklin became licensed with CCB as a residential 21 general contractor. On November 15, 2018, CCB issued 10 separate default final orders against 22 1.3 23 Franklin levying civil penalties. 24 1.4 On March 20, 2019 Franklin inactivated her broker license. 25 1.5 On February 28, 2019, the Electrical and Elevator Board of the State of Oregon 26 issued Notice of Proposed Assessment of Civil Penalties and Notice of Final Order on Default. 27 The notice became a final order by default (because Franklin falled to request a hearing) on 28 March 22, 2019, levying a \$5,000 civil penalty against Franklin. 29 On April 2, 2019, CCB issued a Default Final Order suspending Franklin's license 30 until all 10 civil penalties (total of \$3,800.00) were paid.

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- 1.7 On April 10, 2019, CCB issued a Default Final Order levying a \$500.00 civil penalty against Franklin.
- 1.8 On July 26, 2019, CCB issued a Default Final Order levying a \$1000.00 civil penalty against Franklin.
- 1.9 Franklin did not properly report any of the administrative actions described above to the Agency.

Violation: By failing to report the administrative actions to the Agency, Franklin violated ORS 696.301(3) as it incorporates OAR 863-015-0175(1)(b),(3),(4) (1-5-2018 Edition) which states: (1) A real estate licensee must notify the commissioner of the following: (b) Any adverse decision or judgement resulting from any criminal or criminal suit or action or arbitration proceeding or any administrative or Oregon State Bar proceeding related to the licensee in which the licensee was named as a party and against whom allegations concerning any business conduct or professional real estate activity is asserted. (3) The notification required by this rule must be in writing and must include a brief description of the circumstances involved, the names of the parties, and a copy of the adverse decision, judgement, or award and, in the case of a criminal conviction, a copy of the sentencing order. If any such judgement, award, or decision is appealed, each subsequent appellate court decision is subject to this rule's notification requirements. (4) The notification required by this rule must be made within twenty 20 calendar days after receiving written notification of an adverse judgement, award, or decision described in this rule. Notification must be made under this rule whether or not the decision is appealed.

1.10 During a phone conversation with Agency Compliance Specialist Denise Lewis on September 3, 2019, Franklin stated she had inactivated her license in March and did not think she would need to let the Agency know what was going on at CCB. Lewis explained she still needed to report final adverse actions to the Agency.

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- 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301. Based on these violations a reprimand is appropriate for violations of ORS 696.301(3).
- 2.2 The Agency reserves the right to investigate and pursue additional complaints that may be received in the future regarding this licensee.

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In establishing the violations alleged above, OREA may rely on one or more of 2.3 the definitions contained in ORS 696,010.

According to ORS 696.775, the lapsing, expiration, revocation or suspension of a 2.4 real estate license, whether by operation of law, order of the Real Estate Commissioner or decision of a court of law, or the inactive status of the license, or voluntary surrender of the license by the real estate licensee does not deprive the commissioner of jurisdiction to: (1) proceed with an investigation of the licensee; (2) conduct disciplinary proceedings relating to the licensee; (3) Take action against a licensee, including assessment of a civil penalty against the licensee for a violation of ORS 696.020(2); or (4) revise or render null and void an order suspending or revoking a 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.

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ORDER IT IS HEREBY ORDERED that Franklin's broker license be, and hereby is reprimanded. IT IS SO STIPULATED: 4. IT IS SO ORDERED: **GEORGINA FRANKLIN** STEVEN STRODE Real Estate Commissioner Date 11-25-2019 Date 12 Date of Service: