

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

AMANDA MPM CHAPMAN



FINAL ORDER BY DEFAULT

PROCEDURAL HISTORY

1.

1.1 On September 10, 2020, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Reprimand* the real estate broker license of Amanda MPM Chapman (Chapman). The Oregon Real Estate Agency (Agency) sent the Notice of Intent to Chapman's last known address of record with the Agency (817 NW Locust St., Prineville, OR 97754). The *Notice of Intent* was also mailed to Chapman by regular first class mail in a handwritten envelope to the above address.

1.2 The notice was also emailed to Chapman at her email address of record.

1.3 Neither the certified mailings nor the first class mailings have been returned to the Agency. Over 20 (20 days) have elapsed since the mailing of the notice issued in this matter and no written request for hearing has been received.

2.

Based upon the foregoing and upon a review of the above described investigation reports, documents and files, the Real Estate Commissioner finds:

2.1 Oregon Administrative Rule 863-001-0006 states, in part, that a notice of intent is properly served when deposited in the United States mail, registered or certified mail, addressed to the real estate licensee or to any other person having an interest in a proceeding before the Commissioner at the licensee's or other person's last known address of record with OREA.

2.2 Chapman's last known address of record with the Agency was 817 NW Locust St., Prineville OR 97754.

2.3 A certified mailing of the notice of intent was mailed to Chapman at her last known address of record on September 10, 2020. The Domestic Return Receipt for the certified mailing returned to the Agency and showed the notice was delivered on September 17, 2020, and was signed for and received by Patsy M. Owens.

2.4 The notice was also mailed regular first class mail in a handwritten envelope to the address of record for Chapman. The mailing in the handwritten envelope have not been returned to OREA. In accordance with ORS 40.135(1)(q), there is a presumption that the mailing properly addressed and placed with the U.S. Postal Service was delivered. That presumption has not been overcome by any evidence.

2.5 Over twenty (20) days have elapsed since the mailing of the notice and no written request for a hearing has been received.

2.6 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a 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.

2.7 As noted in paragraph 9 of the *Notice of Intent to Reprimand* the Agency's entire investigation file was designated as the record for purposes of presenting a prima facie case upon default, including submissions from Chapman and all information in the administrative file relating to the mailing of notices and any responses received.

FINDINGS OF FACT

3.

3.1 Chapman was licensed as a real estate broker. Chapman's license expired on November 1, 2019, when she failed to renew her license in October 2019. Prior to her license expiring, Chapman worked for Keller Williams Realty Central Oregon.

3.2 On September 9, 2019, the Agency received a complaint from Casie Conlon, Chief Executive Officer with the Central Oregon Association of Realtors alleging that Myranda Read was impersonating Amanda Chapman (Chapman).

3.3 Myranda Read (Read) was first licensed as a broker in September 2014, working for Re/Max Out West Realty, LLC, before transferring to Keller Williams Realty Central Oregon on February 17, 2017. On November 12, 2018, Read's license became inactive and on July 1, 2020, Read's license expired.

3.4 On June 13, 2019, Angela Boothroyd (listing broker for 4562 SE Jerry Lane) received a text message from Read's phone number with the following message, "Hi Angela- Amanda with KW- I'd like to show Jerry Drive tomorrow about 5:15 if possible My phone went swimming- can you let us in?" When Boothroyd asked for feedback on the showing, "Amanda" informed her that her clients decided to write an offer on another parcel.

3.5 Lorraine Abney (Abney), principal broker with Keller Williams Realty Central Oregon provided a list of Chapman's 2019 transactions. One of the transactions (4791 SE David Way, Prineville) was written around the time Read contacted Boothroyd, The home was located in the High Desert Estate Subdivision, the same subdivision as Boothroyd's listing.

3.6 Reviewing the transaction file for 4791 SE David Way, Read was copied on several emails regarding the transaction.

3.7 Listing broker, Kelly Jo Story (Story) for 4791 SE David Way had text messages saved from, "Amanda Kw." These messages were sent from Read's phone number.

3.8 On June 14, 2019, Story received the following text message, "Hey Kelly- can I show David Way tomorrow at 10am? Phone went swimming can they leave it open?"

3.9 Story had a second contact saved as, "Amanda Remax." This second contact was associated with the phone number the Agency has for Chapman. Story provided some

text messages between her and Chapman's phone number involving the 4791 SE David Way transaction, however, the majority of Story's communication was with Read's number.

3.10 According to the buyer, Debra Bishop, she was working exclusively with Read, who showed them 5-6 properties before deciding to write an offer on 4791 SE David Way. Bishop said Read did everything, including writing the offer. All documents were signed through DocuSign.

3.11 During the investigation, Read admitting to sending text messages impersonating Chapman and admitted showing the property to the Bishops, while Chapman was not present. Read stated she filled out the paperwork. According to Read, Chapman provided Read with her DocuSign login information. Read said Chapman was aware of the offer, but didn't see the paperwork before it was submitted.

3.12 Chapman admitted working with Read to help find the buyers for David Way.

3.13 On July 19, 2019, the 4791 SE David Way transaction closed.

3.14 In an unrelated transaction, on July 1, 2019, Read sent a text message to Michael Warren II (Warren) stating the following, "Hi Mike- Amanda Chapman I would like to show the 160 acres tomorrow at 5."

3.15 There were a few messages back and forth before Warren asked if she would like him to email her any maps. Read responded, "Please send it to my partner Myrandaread@yahoo.com." On July 2, 2019, Warren emailed a copy of the maps to myrandaread@yahoo.com and amandachapmanbroker@gmail.com. Chapman responded the next day with, "Thank you!" Read was copied on the response.

3.16 Chapman's portion of the commission was \$4,240.00 from the 4791 SE David Way transaction and after office supplies were deducted, Chapman was issued a check on July 23, 2019, for \$3,799.60. Chapman then paid Read approximately \$1,500.00 in commission.

3.17 The above-noted violations demonstrate incompetence and untrustworthiness in performing an act in which the licensee is required to hold a real estate license.

STATEMENT OF LAW

4.

4.1 ORS 696.301(3) which states a real estate licensee's real estate license may be disciplined if they have: (3) disregarded or violated any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency.

4.2 ORS 696.301(3) as it incorporates:

a. ORS 696.290(1)(a) (2017 Edition), which states except as provided in paragraph (b) of this subsection, a real estate licensee may not offer, promise, allow, give, pay or rebate, directly or indirectly give any part or share of the licensee's compensation arising from any real estate transaction or pay a finder's fee to any person who is not a real estate licensee licensed under ORS 696.022, including a non-licensed individual described in ORS 696.030.

b. ORS 696.315(1) (2017 Edition), which states a real estate licensee may not knowingly permit a non-licensed individual to engage in professional real estate activity, with or on behalf of the licensee.

4.3 ORS 696.301(12) which states a licensee's real estate license can be disciplined if they have demonstrated incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license.

ULTIMATE FINDINGS OF FACT

5.

5.1 Chapman allowed Myranda Read (Read), an inactive licensee, to show property to prospective buyers, negotiate with clients on her behalf, and access Chapman's DocuSign account to complete the transaction at 4791 SE David Way in Prineville, Oregon.

5.2 Chapman represented the buyers in the sale of 4791 SE David Way in Prineville, Oregon. After the transaction closed, Chapman paid Read a portion of her commission.

5.3 Chapman demonstrated incompetence and untrustworthiness in performing an act in which the licensee is required to hold a real estate license.

5.4 In summary, the facts above establish grounds to reprimand Chapman's broker license.

CONCLUSIONS OF LAW

6.

6.1 Pursuant to ORS 183.417(4) and OAR 137-003-0670 Chapman is in default.

6.2 The material facts establish a violation of a ground for discipline under ORS 696.301 as set forth in the *Notice of Intent to Reprimand*.

6.3 Based on these violations, the Agency may reprimand Chapman's broker license.

6.4 Specifically, Chapman is subject to discipline pursuant to ORS 696.301(3) and (12). A reprimand of Chapman's broker license is appropriate for violations of ORS 696.301(3) and (12), which states in part a licensee's real estate license may be disciplined if they have: (3) disregarded or violated any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency; (12) demonstrated incompetence in performing any act for which the licensee is required to hold a license.

6.5 Based on the evidence in the record, the preponderance of the evidence weighs in favor of the reprimand of Chapman's broker license.

6.6 The Agency may therefore, reprimand Chapman's broker license.

6.7 Pursuant to ORS 696.775 the expiration or lapsing of Chapman's license does not prohibit the Commissioner from proceeding with this, or further action.

OPINION

7.

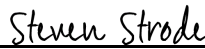
The Agency takes its consumer protection role very seriously. One of the fundamental requirements in licensing law is for any individual engaged in professional real estate activity to have an active real estate license. Chapman allowed Read, an inactive licensee, to engage in professional real estate activity on her behalf. Chapman knowingly permitted Read to show property, negotiate with clients, and prepare the required paperwork. Additionally, she allowed Read access to her DocuSign account to assist in gathering signatures. With Chapman's cooperation, Read nearly completed an entire real estate transaction without the benefit of an active license. Lastly, Chapman gave Read a portion of the commission arising from the real

ORDER

IT IS HEREBY ORDERED that the broker license of Chapman be, and hereby is, reprimanded.

Dated this 8th day of october, 2020.

OREGON REAL ESTATE AGENCY

DocuSigned by:

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Steven Strode
Real Estate Commissioner

NOTICE OF RIGHT TO APPEAL: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the date of service of this order. Judicial review is to the Oregon Court of Appeals, pursuant to the provisions of ORS 183.482.

Certificate of Service

On October 8, 2020, I mailed and emailed the foregoing Final Order by Default issued on this date in the Agency Case No. 2020-146.

By: First Class Mail

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PRINEVILLE, OR 97754

By Email:

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Rick Marsland
Licensing Specialist