

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

ROSALIE A DIETER

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Rosalie A Dieter (Dieter) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Dieter was licensed as a principal broker with Blue Chip Properties LLC (BCP).

1.2 On November 25, 2019, the Agency received a written complaint from Mary Boshart (Boshart) against Dieter.

1.3 On September 12, 2019, Boshart entered into a listing agreement with Dieter to sell her real property located at 15721 Highway 101, Brookings, OR, (15721 Highway 101) for the price of \$279,000.

1.4 After a few weeks, Boshart agreed to lower the price to \$199,000 per Dieter's recommendation.

1.5 Dieter made an offer to purchase 15721 Highway 101. On October 7, 2019, Boshart and Dieter entered into a residential sale agreement in which Dieter represented the buyer (Dieter) and the seller (Boshart) on behalf of BCP.

1.6 When Dieter was unable to obtain satisfactory financing, she contacted Boshart to terminate the sale agreement. Dieter admitted she did not obtain Boshart's signature on the termination agreement. She created an electronic signature for Boshart, entered the signature

1 on the termination agreement, and submitted the form on October 24, 2019, to the title
2 company.

3 1.7 On November 3, 2019, Dieter presented an offer to purchase to Boshart from
4 James and Wende Caputo (the Caputos) for \$195,000. Boshart accepted the offer on the
5 same date.

6 1.8 The Caputos could not obtain financing, therefore they terminated the
7 agreement. Dieter handwrote Boshart's signature on the termination agreement for the
8 transaction. Dieter admitted she did not obtain Boshart's signature on the termination
9 agreement.

10 **(1) Violation:** By failing to inform Boshart that her signature was required on two
11 termination agreements and, subsequently, signing Boshart's name on the agreements without
12 her authorization, Dieter violated ORS 696.301(14) (2019 Edition). Per ORS 696.301(14): The
13 Real Estate Commissioner may suspend or revoke the real estate license of any real estate
14 licensee, reprimand any real estate licensee, or deny the issuance or renewal of a license to
15 an applicant who has committed an act of fraud or engaged in dishonest conduct substantially
16 related to the fitness of the applicant or real estate licensee to conduct professional real estate
17 activity, without regard to whether the act or conduct occurred in the course of professional
18 real estate activity.

19 1.9 Dieter admitted she failed to provide signed copies of the residential sale
20 agreements for either of the above referenced transactions to Boshart.

21 **(2) Violation:** By failing to provide signed copies of the residential sale agreements to
22 Boshart, Dieter violated ORS 696.301(3) as it incorporates OAR 863-015-0135(4) (1-1-18
23 Edition). Per OAR 863-015-0135(4): When a licensee receives a written acceptance of an offer
24 or counter-offer to purchase real property, the licensee must deliver within three banking days
25 true, legible copies of the offer or counter-offer, signed by the seller and buyer, to both the
26 buyer and seller.

27 1.10 On October 28, 2019, an offer to purchase was submitted to Dieter by broker
28 Elaine Williams-Smith of Blue Pacific Realty in Brookings, OR for \$149,000. Dieter admitted
29 she did not present the offer to Boshart because Dieter thought the offer was too low.

30 ///

1 **(3) Violation:** By failing to present the offer to purchase real estate to Boshart, Dieter
2 violated ORS 868.301(3) as it incorporates OAR 863-015-0135(2) (1-1-18 Edition), ORS
3 696.805(2)(a) and (b) (2019 Edition), and ORS 696.805(3)(a) and (c) (2019 Edition). Per OAR
4 863-015-0135(2): A real estate licensee must promptly deliver to the offeror or offeree every
5 written offer or counter-offer the licensee receives. Per ORS 696.805(2)(a) and (b): A seller's
6 agent owes the seller, other principals and the principals' agents involved in a real estate
7 transaction the following affirmative duties: (a) To deal honestly and in good faith; (b) To
8 present all written offers, written notices and other written communications to and from the
9 parties in a timely manner without regard to whether the property is subject to a contract for
10 sale or the buyer is already a party to a contract to purchase. Per ORS 696.805(3)(a) and (c):
11 A seller's agent owes the seller involved in a real estate transaction the following affirmative
12 duties: (a) To exercise reasonable care and diligence; (c) To be loyal to the seller by not taking
13 action that is adverse or detrimental to the seller's interest in a transaction.

14 2.

15 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.
16 Based on these violations a reprimand is appropriate for violations of ORS 696.301(3) and
17 (14).

18 2.2 The Agency reserves the right to investigate and pursue additional complaints
19 that may be received in the future regarding this licensee.

20 2.3 In establishing the violations alleged above, the Agency may rely on one or more
21 of the definitions contained in ORS 696.010.

22
23 **STIPULATION & WAIVER**

24 I have read and reviewed the above findings of fact and conclusions of law which have
25 been submitted to me by the Agency and further, the order which follows hereafter. I
26 understand that the findings of fact, conclusions of law and this stipulation and waiver embody
27 the full and complete agreement and stipulation between the Agency and me. I further
28 understand that if I do not agree with this stipulation I have the right to request a hearing on
29 this matter and to be represented by legal counsel at such a hearing. Hearings are conducted
30 in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the

1 Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. I
2 freely and voluntarily waive my rights to a hearing, to representation by legal counsel at such a
3 hearing, and to judicial review of this matter.

4 I hereby agree and stipulate to the above findings of fact and conclusions of law and
5 understand that the order which follows hereafter may be completed and signed by the Real
6 Estate Commissioner or may be rejected by the Real Estate Commissioner. I understand that,
7 in accordance with the provisions of ORS 696.445(3), notice of this order shall be published in
8 the Oregon Real Estate News Journal.

9 I agree once the Commissioner executes this stipulated order, I will accept service of
10 the final order by email, and hereby waive the right to challenge the validity of service

11 ORDER

12 IT IS HEREBY ORDERED that the principal broker license of Dieter be, and hereby is,
13 reprimanded.


14
15 IT IS SO STIPULATED:

IT IS SO ORDERED:

16
17 
18 _____

19 ROSALIE A DIETER

20
21 Date 6/9/2020
22

DocuSigned by:

D141D267DDE14A0

23 STEVEN STRODE

24 Real Estate Commissioner

25 Date 6/11/2020 | 7:52 AM PDT
26

27 Date of Service: 06/11/2020
28
29
30