

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of  
VICTORIA M. HAWKS )  
STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Victoria M. Hawks (Hawks) do hereby agree and stipulate to the following:

FINDINGS OF FACT  
&  
CONCLUSIONS OF LAW  
1.

1.1 At all times mentioned herein, Hawks was licensed as a principal broker with Hawks & Co., Realtors.

1.2 On September 10, 2018, the Agency received a complaint from CarolAnne Durante (Durante). The Agency opened an investigation.

1.3 Durante owned property located at 51 SE Ronald Street, Winston, OR (subject property). Durante hired Kelly Forney (Forney) to represent her, and in April 2018 the subject property was listed for sale.

1.4 Hawks represented buyers, Lyle and Donna Bursik (the Bursiks). Bursiks were participating in USDA, rural housing program with zero down.

1.5 On April 19, 2018, Hawks submitted an offer to purchase the subject property, on behalf of the buyers, in the amount of \$174,900.00, with seller contributing \$5,000 towards buyers' closing costs and take responsibility for repairs required by the lender (USDA). The Certificate of Eligibility from USDA showed an expiration date of May 6, 2018. The certificate was submitted with the offer to purchase.

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2           1.6     Negotiations continued between the buyers and seller with each side submitting  
3 counter offers. Bursiks had requested the buyers produce a Certificate of Eligibility from USDA  
4 showing the approval extended to the closing date. On April 25, 2018, Durante accepted the  
5 buyer's counter offer without an updated Certificate of Eligibility.

6           1.7     On April 25, 2018, Hawks received an email from Ken Williams (Williams), Loan  
7 Officer with USDA. Attached with the email was a letter which showed the USDA home loan  
8 guidelines dated February 20, 2018. Hawks attached the letter in an email to Forney and  
9 explained that is all she could get in regards to the seller's request for an updated certificate.

10          1.8     Williams explained in an interview, once a buyer has an approved purchase  
11 agreement, a current Certificate of Eligibility is valid for the term of that purchase agreement.

12          1.9     Hawks continued to try to obtain an updated Certificate of Eligibility on behalf of  
13 her buyers and emailed another individual at USDA requesting documentation showing the  
14 USDA would lend until the end of June.

15          1.10    On May 1, 2018, a home inspection was completed. In an email dated May 2,  
16 2018, Hawks wrote to Forney and attached the home inspection reports. Hawks explained in  
17 the email, "It seemed prudent to send reports now, so Seller can see what might be necessary.  
18 However, we want to wait until USDA sees it and tells us what they require."

19          1.11    Hawks failed to send any paperwork, including the sales agreement and  
20 supporting documentation to USDA Loan Officer Williams as required.

21          1.12    On May 17, 2018, Rochelle Kennedy (Kennedy) with AmeriTitle, emailed Hawks  
22 the preliminary title report. According to the USDA guideline letter, the preliminary title report  
23 must be received and reviewed by USDA. The cover letter of the preliminary title report  
24 indicated that AmeriTitle would be sending a copy of the report to USDA. Therefore, Hawks  
25 did not send the preliminary title report to USDA.

26          1.13    Forney contacted USDA directly and spoke with Williams who was unaware of  
27 the pending transaction and had not received any documentation from Hawks, including the  
28 real estate purchase agreement as required.

29 **(1) Violation:** By failing to submit a real estate sale agreement and supporting  
30 documentation to the lender as required for the real estate located at, 51 SE Ronald Street,

1 Winston, OR, Hawks violated ORS 696.301(3) as it incorporates 696.810(2)(a)(b)(3)(a)(c)  
2 (2017 Edition), which states, (2) A buyer's agent owes the buyer, other principals and the  
3 principals' agents involved in a real estate transaction the following affirmative duties: (a) To  
4 deal honestly and in good faith; (b) To present all written offers, written notices and other  
5 written communications to and from the parties in a timely manner without regard to whether  
6 the property is subject to a contract for sale or the buyer is already a party to a contract to  
7 purchase; (3) A buyer's agent owes the buyer involved in a real estate transaction the following  
8 affirmative duties: (a) To exercise reasonable care and diligence; and (c) To be loyal to the  
9 buyer by not taking action that is adverse or detrimental to the buyer's interest in a transaction.

10 **(2) Violation:** By failing to submit the real estate sale agreement and supporting  
11 documentation to the lender as required, Hawks violated ORS 696.301(12) and (15) (2017  
12 Edition), which states, licensee's real estate license may be disciplined if they have: (12)  
13 Demonstrated incompetence or untrustworthiness in performing any act for which the real  
14 estate licensee is required to hold a license; and (15) Engaged in any conduct that is below the  
15 standard of care for the practice of professional real estate activity in Oregon as established by  
16 the community of individuals engaged in the practice of professional real estate activity in  
17 Oregon.

18 1.14 On June 12, 2019, Forney emailed Williams the sales agreement and copied  
19 Hawks on the communication.

20 1.15 On June 14, 2018, Durante elected to terminate the sales agreement.

21 2.

22 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.  
23 Based on these violations a reprimand is appropriate for violations of ORS 696.301(3),(12),  
24 and (15).

25 2.2 The Agency reserves the right to investigate and pursue additional complaints  
26 that may be received in the future regarding this licensee.

27 2.3 In establishing the violations alleged above, OREA may rely on one or more of  
28 the definitions contained in ORS 696.010.

29 2.4 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a  
30 real estate license, whether by operation of law, order of the Real Estate Commissioner or

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

7  
8 **STIPULATION & WAIVER**

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

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

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

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ORDER

IT IS HEREBY ORDERED that Victoria Hawks' principal broker license be, and hereby is reprimanded.

IT IS FURTHER ORDERED that Hawks complete the 27-hour Principal Broker Advanced Practices Course, (detailed in OAR 863-022-0021, 10/31/2018 Edition) within 90 days from when the Commissioner signs this order. Hawks must submit a certificate to the Agency showing completion of the 27- hour Principal Broker Advanced Practices Course. This certificate must be submitted to the Agency no later than 10 days after the education has been completed.

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:  
*Victoria Hawks*  
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VICTORIA M. HAWKS

DocuSigned by:  
*Steven Strode*  
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STEVEN STRODE



Date 11/3/2020 | 2:23 PM PST

Real Estate Commissioner  
Date 11/4/2020 | 8:01 AM PST

Date of Service: 11/04/2020