

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of  
TONI LYNNE O'HARA )  
STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Toni Lynne O'Hara (O'Hara) do hereby agree and stipulate to the following:

FINDINGS OF FACT  
&  
CONCLUSIONS OF LAW  
1.

1.1 At all times mentioned herein, O'Hara was licensed as a property manager working under the registered business name of Viking Property Management, LLC (VPM).

1.2 On September 3, 2019, the Agency sent an email to VPM notifying them of a clients' trust account reconciliation review for security deposit account ending in #3006. VPM was required to submit the reconciliation for January 2019, along with supporting documentation within 30 days. On October 3, 2019, O'Hara submitted the January 2019 reconciliation and supporting documentation for security deposits account ending in #3006. The three components of the reconciliation did not balance.

1.3 Agency staff and O'Hara corresponded back and forth multiple times where O'Hara attempted to find the errors in her reconciliation and bookkeeping. On March 5, 2020, an investigation was opened.

1.4 VPM had two clients' trust accounts registered with the Agency, clients' trust account ending in #2982 and security deposits account ending in #3006.

1.5 On April 1, 2020, Agency Financial Investigator/Auditor Cidia Nanez (Nanez) contacted O'Hara requesting her most recent reconciliations. O'Hara stated she hadn't done the reconciliations for a while.

1 **(1) Violation:** On April 1, 2020, O'Hara was asked to produce her most recent  
2 reconciliations, O'Hara admitted that she had not done her reconciliations in a while, in  
3 violation of ORS 696.301(3) as it incorporates OAR 863-025-0028(2) & (3) (1-1-2018 Edition),  
4 which requires a property manager to reconcile each clients' trust account and security  
5 deposits account within 30 calendar days of the date of the bank statement.

6 1.6 On April 1, 2020, O'Hara was emailed a demand for documents, which included  
7 a reconciliation for February 2020 with supporting documentation of both O'Hara's clients' trust  
8 accounts (a client trust account and a security deposits account). O'Hara was required to  
9 provide the documents no later than end of the day April 8, 2020.

10 1.7 O'Hara failed to provide any reconciliations by the April 8, 2020, deadline.

11 **(2) Violation:** By failing to provide the requested reconciliations by the April 8, 2020,  
12 deadline O'Hara violated ORS 696.301(3) as it incorporates OAR 863-025-0035(2)(a) (1-1-  
13 2018 Edition), which states: (2) a property manager must produce records required under  
14 section (1) of this rule for inspection by the Agency as follows: (a) when the Agency makes a  
15 request for production of property management records, the property manager must provide  
16 such records within no less than five banking days.

17 1.8 On April 13, 2020, O'Hara emailed her reconciliation and supporting  
18 documentation for security deposits account ending in #3006 for January 2020. The  
19 reconciliation did not balance. On the reconciliation document, Part I total for the reconciled  
20 bank balance was \$164,296.70, Part II total for the Check Register/Receipts and  
21 Disbursements Journal was \$164,169.88, and Part III total for Security Deposits Ledgers was  
22 \$156,243.00.

23 **(3) Violation:** By failing to properly reconcile the three components to each other, O'Hara  
24 violated ORS 696.301(3) as it incorporates OAR 863-025-0028(3)(b) (1-1-2018 Edition), which  
25 states: (3) a property manager must reconcile each security deposits account within 30  
26 calendar days of the bank statement date pursuant to the requirements contained in this  
27 section: (b) the balances of each component in section (3)(a) of this rule must be equal to and  
28 reconciled with each other. If any adjustment is needed, the adjustment must be clearly  
29 identified and explained on the reconciliation document.

30 ///



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.

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

ORDER

IT IS HEREBY ORDERED that the property manager license of Toni Lynne O'Hara be, and hereby is, reprimanded.

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by: Toni Lynne O'Hara  
9B489A47AFA84B3...

DocuSigned by: Steven Strode  
D141D267DDE14A0...



Date 8/24/2020 | 10:51 AM PDT

Date 8/24/2020 | 11:51 AM PDT

Date of Service: 08/24/2020