

1 REAL ESTATE AGENCY  
2 BEFORE THE REAL ESTATE COMMISSIONER  
3

4 In the Matter of the Real Estate License of

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6 BARBARA JEAN SHEDDEN

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STIPULATED FINAL ORDER

10 The Oregon Real Estate Agency (Agency) and Barbara Jean Shedden (Shedden) do  
11 hereby agree and stipulate to the following:

12 FINDINGS OF FACT

13 &

14 CONCLUSIONS OF LAW

15 1.

16 1.1 Shedden was licensed as a real estate broker with American West Real Estate  
17 LLC (AWRE). Larry Wright (Wright) was the principal broker associated with AWRE.

18 1.2 At the end of October 2018, AWRE's security deposit account was selected for a  
19 Mandatory Clients' Trust Account Mail-in-Review. The requested documents were not  
20 submitted to the Agency and an investigation was opened.

21 1.3 On May 9, 2019, Compliance Coordinator Deanna Hewitt (Hewitt) and  
22 Compliance Specialist Denise Lewis (Lewis) met with Shedden.

23 1.4 Shedden told Hewitt and Lewis that she had been a broker at Wright's office for a  
24 long time and assisted with the property management activity. Shedden said Wright had  
25 passed away on January 12, 2019. After Wright passed, Shedden continued to keep the office  
26 open, doing property management and real estate activity.

27 1.5 Shedden said Wright had told her she could continue to do property  
28 management activity after his death, but that she needed to speak with someone at the  
29 Agency. Shedden said she was too scared to contact the Agency.

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1           1.6     Shedden stated Wright had been very sick prior to his passing and they had  
2 been concentrating on getting everything in order. Shedden said Wright had told her he was  
3 giving her the business after his death. Shedden and Wright's son have been working  
4 together to get all of Wright's finances in order and make sure all the bills for his business have  
5 been paid prior to Shedden taking over the business.

6           1.7     Prior to the meeting on May 9, 2019, Shedden had already began looking into  
7 taking the principal broker course to get her principal broker license. Shedden applied for the  
8 principal broker license on May 9, 2019.

9           1.8     On May 20, 2019, Shedden was granted a Temporary Authorization to Supervise  
10 AWRE.

11          1.9     On July 11, 2019, Shedden notified the Agency that she had completed her  
12 principal broker course and passed the exam and needed a number for the testing provider.

13          1.10    On July 18, 2019, Shedden's principal broker license was associated with  
14 AWRE.

15           **Violation:** By continuing to engage in real estate and property management activity  
16 without a supervising principal broker from January 12, 2019 through May 20, 2019, Shedden  
17 violated ORS 696.301(3) as it incorporates ORS 696.022(2)(a) (2019 Edition). Per ORS  
18 696.022(2)(a) A real estate broker may engage in professional real estate activity only if the  
19 broker is associated with and supervised by a principal real estate broker.

20          1.11    During the investigation it was discovered that AWRE's business name renewal  
21 had been completed by Shedden on February 27, 2019, (after Wright had passed). Shedden  
22 indicated on the renewal that Wright was still with the company.

23           **Violation:** By indicating Wright was still with AWRE on the business name renewal  
24 application when in fact he had passed away on January 12, 2019, Shedden demonstrated  
25 incompetence in violation of ORS 696.301(12) (2019 Edition). Per ORS 696.301(12) a real  
26 estate licensee's real estate license may be disciplined if they have demonstrated  
27 incompetence or untrustworthiness in performing any act for which the real estate licensee is  
28 required to hold a license.

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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) and ORS 696.301(12).

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

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

2.4 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.

#### 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,

1 in accordance with the provisions of ORS 696.445(3), notice of this order shall be published in  
2 the Oregon Real Estate News Journal.

3 ORDER

4 IT IS HEREBY ORDERED that Shedden's real estate principal broker license be, and  
5 hereby is reprimanded.

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7 IT IS SO STIPULATED:

IT IS SO ORDERED:

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10 Barbara Jean Shedden

Steven Strode

11 BARBARA JEAN SHEDDEN

STEVEN STRODE

12 Real Estate Commissioner

13 Date 3/6/2020

Date 3/12/2020

Date of Service: 3/12/2020

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