

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Property Manager
License of
MICHELLE S. BOUCHET

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Michelle S. Bouchet (Bouchet) do hereby agree and stipulate to the following:

FINDINGS OF FACT, STATEMENTS OF LAW
AND
CONCLUSIONS OF LAW

1.

In establishing the violations set forth herein, the Agency may rely on one or more of the definitions contained in ORS 696.010.

Findings of Fact:

1.1 Bouchet was licensed as a property manager with Avem Property Management, LLC.

1.2 On September 1, 2021, the Agency emailed Bouchet a renewal notice for her property manager license. On September 22, 2021, a second email notice was sent.

1.3 Bouchet’s license expired on October 1, 2021. On October 1, 2021, the Agency emailed Bouchet a notice stating Bouchet’s license was expired and included a warning not to conduct professional real estate activity.

1.4 On March 28, 2022, the Agency received a complaint from Don Johnson against Bouchet. The Agency opened an investigation.

1.5 On April 4, 2022, Bouchet renewed her license, and her license became active. On her renewal application, in response to a question, she wrote she was unaware of her license had expired until she was notified by Agency staff regarding the complaint.

1 1.6 During the time Bouchet’s license was expired, from October 1, 2021, to April 3,
2 2022, 185 days, Bouchet continued to engage in professional real estate activity by taking part
3 in the management of rental real estate.

4 **Statements of Law:**

5 ORS 696.020(2) states an individual may not engage in, carry on, advertise or purport
6 to engage in or carry on professional real estate activity or act in the capacity of a real estate
7 licensee, within this state unless the individual holds an active license as provided for in this
8 chapter.

9 Professional real estate activity is defined in ORS 696.010(17) and includes
10 management of rental real estate as defined per ORS 696.010(14).

11 ORS 696.990(4)(a) and (b) states: (4) Any person that violates ORS 696.020(2) may be
12 required by the Real Estate Commissioner to forfeit and pay to the General Fund of the State
13 Treasury a civil penalty in an amount determined by the commissioner of: (a) Not less than
14 \$100 nor more than \$500 for the first offense of unlicensed professional real estate activity;
15 and (b) Not less than \$500 nor more than \$1,000 for the second and subsequent offenses of
16 unlicensed professional real estate activity.

17 ORS 696.990(9) states for the purposes of subsection (4) of this section, any violation
18 of ORS 696.020(2) that results from a failure of a real estate licensee to renew a license within
19 the time allowed by law constitutes a single offense of unlicensed professional real estate
20 activity for each 30-day period after expiration of the license during which the individual
21 engages in professional real estate activity. A civil penalty imposed for a violation of ORS
22 696.020(2) that results from a failure of a real estate licensee to renew a license within the time
23 allowed by law is not subject to the minimum dollar amounts specified in subsection (4) of this
24 section.

25 **Conclusion of Law:**

26 By conducting professional real estate activity over the course of 185 days after
27 Bouchet’s license expired and before renewing it, Bouchet violated ORS 696.020(2) and is
28 subject to discipline or civil penalty pursuant to ORS 696.990(4) and (9).

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2.

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.

3.

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

4.

STIPULATION AND WAIVER

I, Michelle S. Bouchet, have read and reviewed this Stipulated Final Order and its Findings of Fact, Statements of Law and Conclusions of Law. I understand that the Findings of Fact, Conclusions of Law and this Stipulation and Waiver of Hearing rights 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. I also understand that any Hearing would be 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. By signing this Stipulated Final Order 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, which I have also read and understand, may be completed and signed by the Real Estate Commissioner or may be rejected by the Real Estate Commissioner. I further understand that, in accordance with the provisions of

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

3 In addition to all of the above, I agree that once the Commissioner executes this
4 Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby
5 waive the right to challenge the validity of service.

6 ORDER

7 IT IS HEREBY ORDERED that pursuant to ORS 696.990(1) to (9) and based upon the
8 violation set forth above, Bouchet pay a civil penalty in the sum of \$2,600.00, said penalty to
9 be paid to the General Fund of the State Treasury by paying the same to the Agency. The civil
10 penalty is computed in accordance with ORS 696.990(4) and (9) in that each 30-day period of
11 unlicensed activity is considered one violation. In this instance, there were six 30-day periods
12 of unlicensed activity.

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14 IT IS SO STIPULATED:

IT IS SO ORDERED:

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16 DocuSigned by:

Michelle S Bouchet

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18 MICHELLE S. BOUCHET

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20 Date 6/7/2022 | 2:43 PM PDT

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DocuSigned by:

Steven Strode

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STEVEN STRODE

Real Estate Commissioner

Date 6/16/2022 | 8:15 AM PDT

Date of Service: 06/16/2022

