

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of  
EARLENE S. BROWN )  
STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Earlene S. Brown (Brown) 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.

**First Findings of Fact:**

1.1 At all times mentioned herein, Brown was licensed as a principal broker with EXP Realty, LLC.

1.2 On September 8, 2021, the Agency received a complaint from Michael McHugill (McHugill) against Brown and the Agency opened an investigation.

1.3 On August 8, 2021, Brown took her client, Denton Coetzee (Coetzee), to view the property located at 66679 Quail Road in Coos Bay (subject property). The subject property is owned by McHugill and is situated directly behind the property of Nancy Sappington (Sappington). McHugill has an easement agreement with Sappington and accesses his property using a gravel driveway which runs along the right side of Sappington's property.

1.4 Sappington witnessed Brown and Coetzee walking around McHugill's property and approached them.

1.5 Brown stated while she was out showing properties to Coetzee, she received a

1 phone call from a business contact who indicated McHugill wanted to list his house for sale.  
2 Brown stated she and Coetzee drove to McHugill's home to view it.

3 1.6 At the time, Brown knew the subject property was not listed for sale. Brown did  
4 not have permission from McHugill to enter the subject property or residence.

5 1.7 Brown stated McHugill's garage door was open about 18 inches and while she  
6 was talking to Sappington, Coetzee pushed open the door further and entered. She said she  
7 yelled at Coetzee to get out, but he didn't hear her, so she walked under the door, entered the  
8 garage, and saw he was walking up the stairs to the inside of the house.

9 **First Statement of Law:** According to ORS 696.301(12) and (15) a licensee's real  
10 estate license may be disciplined if they have: (12) demonstrated incompetence or  
11 untrustworthiness in performing any act for which the real estate licensee is required to hold a  
12 license, (15) engaged in any conduct that is below the standard of care for the practice of  
13 professional real estate activity in Oregon as established by the community of individuals  
14 engaged in the practice of professional real estate activity in Oregon.

15 **First Conclusion of Law:** Brown and her client Coetzee entered McHugill's property  
16 and residence without the knowledge or consent of the property owner in violation of ORS  
17 696.301(12) and (15) (2021 Edition).

18 **Second Conclusion of Law:** The forgoing violation is grounds for discipline pursuant to  
19 ORS 696.301(12) and (15). Based on this violation a reprimand is appropriate for violations of  
20 ORS 696.301(12) and (15).

21 2.

22 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a real  
23 estate license, whether by operation of law, order of the Real Estate Commissioner or decision  
24 of a court of law, or the inactive status of the license, or voluntary surrender of the license by  
25 the real estate licensee does not deprive the commissioner of jurisdiction to: (1) proceed with  
26 an investigation of the licensee; (2) conduct disciplinary proceedings relating to the licensee;  
27 (3) Take action against a licensee, including assessment of a civil penalty against the licensee  
28 for a violation of ORS 696.020(2); or (4) revise or render null and void an order suspending or  
29 revoking a license.

30 ///

1 3.

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

4 4.

5 STIPULATION AND WAIVER

6 I, Earlene S. Brown, have read and reviewed this Stipulated Final Order and its Findings  
7 of Fact, Statements of Law and Conclusions of Law. I understand that the Findings of Fact,  
8 Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full and  
9 complete agreement and stipulation between the Agency and me. I further understand that if I  
10 do not agree with this stipulation I have the right to request a Hearing on this matter and to be  
11 represented by legal counsel at such a Hearing. I also understand that any Hearing would be  
12 conducted in accordance with the procedures set forth in ORS Chapter 183 and in accordance  
13 with the Rules of Practice and Procedure adopted by the Attorney General of the State of  
14 Oregon. By signing this Stipulated Final Order I freely and voluntarily waive my rights to a  
15 Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this  
16 matter.

17 I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and  
18 understand that the Order which follows hereafter, which I have also read and understand,  
19 may be completed and signed by the Real Estate Commissioner or may be rejected by the  
20 Real Estate Commissioner. I further understand that, in accordance with the provisions of  
21 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News  
22 Journal.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

29 ///

30 ///

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

4 ORDER

5 IT IS HEREBY ORDERED that Earlene S. Brown’s principal broker license be, and  
6 hereby is reprimanded.

7

8

9 IT IS SO STIPULATED:

IT IS SO ORDERED:

10

11 DocuSigned by:

*Earlene S. Brown*

E62B7D06426E439...

12 EARLENE S. BROWN

13

14 Date 2/7/2022 | 5:59 PM PST

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

DocuSigned by:

*Steven Strode*

E2C2D0097AD8471...

STEVEN STRODE

Real Estate Commissioner

Date 2/8/2022 | 7:56 AM PST



Date of Service: 02/08/2022