

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Broker License
of
ASHLEY HOPE ELDER

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Ashley Hope Elder (Elder) 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 Elder was licensed as a broker working under the registered business name of Evans, Elder, Brown & Seubert, Inc.

1.2 On July 1, 2021, the Agency sent a renewal notification to Elder stating her license would expire at the end of July. On July 26, 2021, the Agency sent another notification to Elder regarding the upcoming license expiration.

1.3 On August 1, 2021, Elder’s broker license expired. That same day, the Agency sent an email to Elder stating the license had expired and included a warning not to conduct professional real estate activity.

1.4 On February 16, 2022, Elder submitted a renewal application. In response to one of the questions, Elder indicated she had conducted professional real estate activity during the time her license was expired. The Agency opened an investigation.

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1 1.5 Elder stated she thought her license would be active through July 2022 and
2 wouldn't be up for renewal until July 31, 2022.

3 1.6 Elder's license expired on August 1, 2021, and was not renewed until February
4 16, 2022. During the time Elder's license was expired, August 1, 2021, to February 15, 2022,
5 199 days, Elder continued conducting professional real estate activity as if actively licensed.

6 **Statements of Law:**

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

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:

14 (a) Not less than \$100 nor more than \$500 for the first offense of unlicensed professional real
15 estate activity; and (b) Not less than \$500 nor more than \$1,000 for the second and
16 subsequent offenses of 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 199 days after Elder's
27 license expired and before renewing it, Elder violated ORS 696.020(2) and is subject to
28 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, Ashley Hope Elder, 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.

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1 I further understand that, in accordance with the provisions of ORS 696.445(3), notice of
2 this Order shall be published in the Oregon Real Estate News 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, Elder pay a civil penalty in the sum of \$ 2,600.00, said penalty to be
9 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:
17 *Ashley Elder*
18 _____
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ASHLEY HOPE ELDER

DocuSigned by:
Steven Strode

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STEVEN STRODE



19
20 Date 7/19/2022 | 12:45 PM PDT

Real Estate Commissioner
Date 8/1/2022 | 7:42 AM PDT

Date of Service: 08/01/2022