

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
ALICIA G. GUIDOTTI) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Alicia G. Guidotti (Guidotti) 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, Guidotti was licensed as a real estate broker with Keller Williams Realty Southern Oregon.
- 1.2 On June 17, 2021, Sergio Ramirez (S Ramirez) and Noemi Ramirez (N Ramirez) submitted a complaint against Guidotti.
- 1.3 On April 8, 2021, the Ramirezes submitted an offer to purchase 1901 Erin Way, Medford, Oregon (subject property) from seller Diaz Memorio Picazo (Picazo). Guidotti represented Picazo. The offer noted a closing date of no later than June 11, 2021, with possession of the property to be delivered to buyer by 5:00 PM on closing. The offer was accepted by Picazo on April 11, 2021.
- 1.4 Linda Frazer, represented the Ramirezes, said she found out about a week before closing that the seller, Picazo would not be able to move out of the home by the closing date of June 11, 2021. Frazier had talked with Guidotti prior to closing and Guidotti had told

1 Frazier she had not yet found a home for Picazo yet, but Guidotti thought Picazo would move
2 in with relatives.

3 1.5 Friday before closing, Frazier received notice from the Ramirezes' lender that the
4 loan was approved and ready for signing. Guidotti received an email from the lender with the
5 same information. Guidotti replied to the email with, "replacement home."

6 1.6 Frazier spoke with Guidotti after Guidotti's email reply to the lender and Guidotti
7 indicated she hadn't found a replacement home for Picazo and Picazo would not be able to
8 move out of the home by the closing date.

9 1.7 When Picazo came to Guidotti's office late on April 11, 2021 to sign the offer, it
10 was past 8:00 PM, and both Guidotti and Picazo were tired and overlooked the fact that Picazo
11 could not close on the June 11, 2021, the closing date noted in the offer. Guidotti said
12 because she was tired, she missed counteroffering with the contingency that Picazo couldn't
13 close until he found a replacement property. Guidotti didn't realize she forgot the contingency
14 until about a week before the closing date.

15 **First Statement of Law:** The Real Estate Commissioner may reprimand the real
16 estate license of any real estate licensee if the licensee has disregarded or violated any
17 provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and
18 696.890 or any rule of the Agency. ORS 696.301(3). ORS 696.301(3) is implemented in part
19 by ORS 696.805(3)(a) (2019 Edition). ORS 696.805(3)(a) states: (3) A seller's agent owes the
20 seller involved in a real estate transaction the following affirmative duties: (a) To exercise
21 reasonable care and diligence.

22 **First Conclusion of Law:** By failing to submit a counteroffer to the Ramirezes offer,
23 with the contingency that Picazo could not close until he found a replacement property, until
24 about a week before the closing date Guidotti violated ORS 696.301(3) and its implementing
25 statute ORS 696.805(3)(a) (2019 Edition).

26 **Second Findings of Fact:**

27 1.8 By her own admission, Guidotti was aware that Picazo could not close on the
28 sale until he found a replacement home to move into. Guidotti said there had been another
29 offer prior to Ramirezes' offer and Picazo had discussed needing to put a contingency in the
30 counteroffer that Picazo could not close until he had found another home to move into.

1 1.9 N Ramierez and her two children relocated from California with the intention of
2 closing on June 11, 2021 and living in the house after that. They have been having to live with
3 family due to not being able to close and move into the subject property. S Ramierez has had
4 to stay in California to maintain his job there for the loan approval.

5 1.10 According to Guidotti, she tried to renegotiate the closing date by extending the
6 closing date and paying money towards the buyers closing costs. She said she has tried
7 everything she can think of to try to resolve the problem, but has been unable to come up with
8 a solution acceptable to both Picazo and the Ramirezes.

9 1.11 On July 29, 2021, a termination agreement was signed by Picazo. Ramirezes
10 have not signed the termination document and still want the subject property.

11 **Second Statement of Law:** ORS 696.301(3) authorizes the Commissioner to
12 reprimand a licensee's real estate license who has disregarded or violated any provision of
13 ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or
14 any rule of the Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR
15 863-015-0135(5) (1-1-21 Edition). OAR 863-015-0135(5) states real estate licensees must
16 include all of the terms and conditions of the real estate transaction in the offer to purchase or,
17 directly or by reference, in the counter-offer, including but not limited to whether the transaction
18 will be accomplished by way of deed or land sales contract, and whether and at what time
19 evidence of title will be furnished to the prospective buyer.

20 **Second Conclusion of Law:** By Guidotti's own admission, she was aware that Picazo
21 could not close until a replacement home was found, as it was discussed with Picazo on a
22 prior offer received. Guidotti did not realize she had failed to submit a counteroffer to
23 Ramirezes' offer including the contingency until about a week before the closing date. Guidotti
24 violated ORS 696.301(3) and its implementing rule OAR 863-015-0135(5) (1-1-21 Edition).

25 **Third Statement of Law:** A licensee's real estate license may be disciplined if they
26 have: (12) Demonstrated incompetence or untrustworthiness in performing any act for which
27 the real estate licensee is required to hold a license. (15) Engaged in any conduct that is
28 below the standard of care for the practice of professional real estate activity in Oregon as
29 established by the community of individuals engaged in the practice of professional real estate
30 activity in Oregon. ORS 696.301(12) and (15).

1 Oregon. By signing this Stipulated Final Order I freely and voluntarily waive my rights to a
2 Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this
3 matter.

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

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

13 ORDER

14 IT IS HEREBY ORDERED that Alicia G. Guidotti’s broker license be, and hereby is
15 reprimanded.

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18 IT IS SO STIPULATED:

IT IS SO ORDERED:



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20 DocuSigned by:
21 Alicia G. Guidotti
22 DEDF507AAAF14E1...
ALICIA G. GUIDOTTI

DocuSigned by:
Steven Strode
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STEVEN STRODE

Real Estate Commissioner

23
24 Date 1/11/2022 | 6:37 PM EST

Date 1/18/2022 | 8:36 AM PST

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26 Date of Service: 01/18/2022
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