REAL ESTATE AGENCY 1 BEFORE THE REAL ESTATE COMMISSIONER 2 3 4 In the Matter of the Property Manager 5 STIPULATED FINAL ORDER 6 License of JUDIE MARIE HOAGLIN 7 8 9 10 The Oregon Real Estate Agency (Agency) and Judi Marie Hoaglin (Hoaglin) do hereby 11 agree and stipulate to the following: 12 FINDINGS OF FACT, STATEMENTS OF LAW 13 **AND** 14 CONCLUSIONS OF LAW 15 1. 16 In establishing the violations set forth herein, the Agency may rely on one or more of the 17 definitions contained in ORS 696.010. 18 **Findings of Fact:** 19 1.1 Hoaglin was licensed as property manager with Kensington Property 20 Management. 21 1.2 On July 1, 2021, and July 26, 2021, the Agency sent emails notifying Hoaglin that 22 her license would expire at the end of July. 23 1.3 On August 1, 2021, Hoaglin's license expired. That same day, the Agency sent 24 an email stating the license had expired. 25 1.4 On February 21, 2022, Hoaglin submitted a renewal application to the Agency. In 26 response to one of the questions, Hoaglin indicated she had conducted professional real estate 27 activity during the time her license was expired. The Agency opened an investigation. 28 1.5 On the renewal application, Hoaglin wrote she was not aware that her license had 29 expired until February 16, 2022, at which point she ceased all real estate activity. 30 ///

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From August 1, 2021, through February 15, 2022, 199 days, while her license was expired, Hoaglin continued conducting professional real estate activity as if actively licensed.

Statements of Law:

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

ORS 696.990(4)(a) and (b) states: (4) Any person that violates ORS 696.020(2) may be required by the Real Estate Commissioner to forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount determined by the commissioner of: (a) Not less than \$100 nor more than \$500 for the first offense of unlicensed professional real

estate activity; and (b) Not less than \$500 nor more than \$1,000 for the second and subsequent offenses of unlicensed professional real estate activity.

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

Conclusion of Law:

By conducting professional real estate activity over the course of 199 days after Hoaglin's license expired and before renewing it, Hoaglin violated ORS 696.020(2) (2019 and 2021 Editions) and is subject to discipline or civil penalty pursuant to ORS 696.990(4) and (9).

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.

STIPULATION AND WAIVER

I, Judi Marie Hoaglin, 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 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News Journal.

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

ORDER

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

Docusigned by:

Juli Marie Hoazlin

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Docusigned by:

Steven Steven

JUDIE MARIE HOAGLIN STEVEN STRODE

Date 8/25/2022 | 4:08 PM PDT Date 9/13/2022 | 8:03 AM PDT

Date of Service: 09/13/2022

Real Estate Commissioner