

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of )  
DAVID GLENN HOGGARD ) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and David Glenn Hoggard (Hoggard) do hereby agree and stipulate to all of 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 Hoggard is licensed as a principal broker. At the time of the complaint, his license was associated with registered business names, River & Sea (until April 12, 2022) and Coastal Referral Group, Inc (until April 22, 2022). On April 22, 2022, Hoggard’s license was associated with Keller Williams Sunset Corridor.

1.2 On March 30, 2022, Broker Ann Westerlund (Westerlund), submitted a complaint against Hoggard and the Agency opened an investigation.

1.3 Brokers under Hoggard’s supervision voiced concerns about Hoggard’s inability to supervise when Hoggard had too much to drink.

1.4 In an email on May 19, 2022, Broker Jody Conser (Conser) wrote that it was a daily occurrence that Hoggard went to lunch and returned to the office intoxicated to the point that he was not able answer important questions concerning her real estate transactions. Conser noted in her interview with Agency staff, she had to ask Hoggard her questions by

1 10:00AM or he would be no help after that due to his drinking.

2 1.5 Conser wrote in her May 19, 2022, email that she was a newer agent and had  
3 some questions on a transaction in progress where she was representing the buyer. She had  
4 asked Hoggard for guidance with the contract writing. She wrote in part that, "He was so  
5 intoxicated with his speech and response were so incoherent that he could not address the  
6 issue." When she asked for further help, he told her to "Google it." Conser ended up calling  
7 another principal broker at another office to get help with her question.

8 1.6 In her interview, Conser stated she also would go to Broker Heidi Hougham  
9 (Hougham) for help because Hoggard could not or would not help her.

10 1.7 In her interview with Agency staff, Hougham stated many brokers would come to  
11 her to ask contract and real estate questions. She said many of the brokers came to her  
12 because Hoggard couldn't do his job when he was intoxicated.

13 1.8 In his interview with Agency staff, Broker Johnathan Goyne (Goyne) stated if he  
14 had questions, he made sure to get together with Hoggard prior to lunch to discuss them.  
15 According to Goyne, the brokers knew if they did not get to Hoggard before lunch, he would  
16 come back from lunch intoxicated and would not be helpful to the brokers. Goyne stated if  
17 Hoggard was intoxicated, he would try to figure out his questions himself or go to other people  
18 in the industry that he knew that worked for other companies.

19 1.9 In her interview with Agency staff, Westerlund said when Hoggard was  
20 intoxicated in the office it affected his ability to work with the brokers. Westerlund said if  
21 Hoggard was intoxicated, there were times when Hoggard would not want to or not be able to  
22 help brokers or answer questions and they would have to go to another person. Westerlund  
23 said it reached the point where if brokers had questions, they would go to Hougham and ask  
24 her.

25 **First Statement of Law:** ORS 696.301(3) authorizes the Commissioner to discipline a  
26 licensee's real estate license who has disregarded or violated any provision of ORS 659A.421,  
27 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the  
28 Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-015-  
29 0140(1)(3) (1/1/2021 Edition) which states (1) No principal broker may allow any individual to  
30 use the principal broker's license for the sole purpose of allowing other real estate licensees to

1 engage in professional real estate activity when the principal broker's only interest is receiving  
2 a fee for the use of the principal broker's license by others or when the principal broker  
3 only nominally supervises the professional real estate activity conducted under the  
4 principal broker's license; (3) A principal broker must supervise and control the  
5 professional real estate activity at any main or branch office registered by the principal  
6 broker.

7 **First Conclusion of Law:** At times, brokers under Hoggard's supervision were forced  
8 to seek guidance from other licensees because Hoggard was unavailable, unwilling and  
9 unable assist them due to conduct attributed to alcohol consumption. By failing to supervise  
10 the professional real estate activity conducted under the registered business name River &  
11 Sea, Hoggard violated ORS 696.301(3) and its implementing rule OAR 863-015-0140(1)(3)  
12 (1/1/2021).

13 **Second Findings of Fact:**

14 1.10 On January 17, 2022, Hoggard left a voicemail stating Westerlund must perform  
15 oral sex on him if the other agent could not. According to Westerlund, Hoggard was  
16 intoxicated when he left the message.

17 1.11 Goyne and Hougham overheard Hoggard when he was leaving the voicemail.

18 1.12 In his interview with Agency staff, Hoggard didn't deny leaving the message.  
19 Hoggard said he did not recall leaving the voice message, and that he had probably had too  
20 much to drink and would love to take it back.

21 **Second Statement of Law:** ORS 696.301(12) authorizes the Commissioner to  
22 discipline a licensee's real estate license who has demonstrated incompetence or  
23 untrustworthiness in performing any act for which the real estate licensee is required to hold a  
24 license. ORS 696.301(15) authorizes the Commissioner to discipline a licensee's real estate  
25 license who has engaged in conduct that is below the standard of care for the practice of  
26 professional real estate activity in Oregon as established by the community of individuals  
27 engaged in the practice of professional real estate activity in Oregon.

28 **Second Conclusion of Law:** By leaving a sexually explicit voice message for a broker  
29 Hoggard supervised, Hoggard engaged in conduct below the standard of care for the practice  
30 of professional real estate activity in Oregon and demonstrated incompetence or

1 untrustworthiness in performing any act for which the real estate licensee is required to hold a  
2 license in violation of ORS 696.301(12) and (15) (2021 Edition).

3 **Third Conclusion of Law:** The forgoing violations are grounds for discipline pursuant  
4 to ORS 696.301(3), (12) and (15). Based on these violations a reprimand is appropriate for  
5 violations of ORS 696.301(3), (12) and (15). As previously noted, the Agency has set forth  
6 the grounds of discipline as ORS 696.301(3), (12) and (15).

7 2.

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

16 3.

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

19 4.

20 **STIPULATION AND WAIVER**

21 I, David Glenn Hoggard, have read and reviewed this Stipulated Final Order and its  
22 Findings of Fact, Statements of Law and Conclusions of Law. I understand that the Findings  
23 of Fact, Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full  
24 and complete agreement and stipulation between the Agency and me. I further understand  
25 that if I do not agree with this stipulation I have the right to request a Hearing on this matter  
26 and to be represented by legal counsel at such a Hearing. I also understand that any Hearing  
27 would be conducted in accordance with the procedures set forth in ORS Chapter 183 and in  
28 accordance with the Rules of Practice and Procedure adopted by the Attorney General of the  
29 State of Oregon. By signing this Stipulated Final Order I freely and voluntarily waive my rights  
30 to a Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this  
matter.

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

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

10 ORDER

11 IT IS HEREBY ORDERED that David Glen Hoggard's principal broker license be, and  
12 hereby is reprimanded.

13 IT IS FURTHER ORDERED that Hoggard be issued a principal real estate broker  
14 license with limitations as set forth below:

15 (a) The limited license period shall be for a period of 3 years, at which time Hoggard  
16 may make a written request to the Agency that the restrictions set forth be removed;

17 (b) Hoggard shall not be convicted of any felony or misdemeanor during the limited  
18 license term;

19 (c) Hoggard shall not violate any license law or rule during the limited license term;

20 (d) Hoggard must conduct professional real estate activity under the direct  
21 supervision of a principal broker, as set forth by OAR 863-014-0140, during the limited license  
22 term;

23 (e) Hoggard shall not supervise the real estate activity of another broker or principal  
24 broker, as set forth by OAR 863-015-0140.

25 (f) Hoggard shall immediately report any violation of license law or rule and felony  
26 or misdemeanor convictions to his supervising principal broker during the limited license term.

27 (g) Hoggard shall be required to give a copy of this Order to his supervising principal  
28 broker during the limited license term and the principal broker shall acknowledge receiving a  
29 copy of this Order in writing to the Agency;

30 (h) The supervising principal broker shall immediately notify the Agency of any

1 criminal convictions or license law violations known to them or reported by Hoggard during the  
2 limited license term, and

3 (i) The restrictions shall continue until Hoggard (1) requests an unrestricted license,  
4 in writing, and (2) Hoggard's supervising principal broker endorses Hoggard for an unrestricted  
5 license. The Agency will conduct an inquiry on Hoggard including but not limited to a check  
6 through the Law Enforcement Data System. If the Agency finds that there is no reason to  
7 continue the limited license, an unrestricted license will be issued.

8 IT IS FURTHER ORDERED that, should Hoggard violate any term or condition of this  
9 Order, it may be a basis on which to revoke Hoggard's license in accordance with ORS  
10 696.301(13).

11  
12 PRINCIPAL BROKER'S ACCEPTANCE

13 I hereby accept and agree to abide by the foregoing and acknowledge that I have received a  
14 copy of the stipulated final order on 09/21/2022. I also certify that I have  
15 the authority to sign this Order on behalf of Registered Business Name (RBN)

16 keller williams sunset corridor, number 403187-92.

17  
18 Principal Broker First & Last Name (Printed) Thomas J Dye

19 Principal Broker Signature J THOMAS J DYE

20 License No. 200007068  
060DDE7D0F6E47A...

21  
22 IT IS SO STIPULATED:

23 IT IS SO ORDERED:

24 DocuSigned by:  
25 David G Hoggard  
26 3363054A8A03442...  
DAVID GLENN HOGGARD

24 DocuSigned by:  
25 Steven Strode  
26 E2C2D0097AD8471...  
STEVEN STRODE



Real Estate Commissioner

27  
28 Date 9/21/2022 | 9:17 AM PDT

28 Date 9/22/2022 | 8:03 AM PDT

29  
30 Date of Service: 09/22/2022