

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
JAMIE ALISA MELCHER) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Jamie Alisa Melcher (Melcher) 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 and Second Findings of Fact:

1.1 Melcher was licensed as a real estate broker with Keller Williams Realty Mid-Willamette until March 16, 2020, when her license became associated with HomeSmart Realty Group.

1.2 On January 17, 2021, Tracy McIntyre-Huldermann (McIntyre-Huldermann) filed a complaint with the Agency. The Agency opened an investigation.

1.3 On April 16, 2019, McIntyre-Huldermann’s property located at 743 Birch St, Sweet Home (subject property) was listed for \$225,000 on the Multiple Listing Service (MLS) by Laura Gillott (Gillott) and Melcher. Gillott is a principal broker with Keller Williams Realty Mid-Willamette, and was Melcher’s supervising principal broker at the time.

1.4 Melcher submitted an offer to McIntyre-Huldermann to purchase the subject property herself for \$199,000.00 as an investment property.

1.5 A contract of sale agreement was signed on June 23, 2019, by both McIntyre-

1 Huldermann and Melcher. Per the June 2019 agreement, Melcher agreed to purchase the
2 subject property for \$199,000.00 with \$5,000.00 in earnest money deposited toward the
3 transaction and \$800.00 monthly installments to be paid starting on July 1, 2019.

4 1.6 Melcher was required to continue making direct monthly payments and arrange
5 for all unpaid principal, accrued unpaid interest, and all other sums due to be paid in full on or
6 before June 2024.

7 1.7 Melcher failed to submit a copy of the signed June 2019 sale agreement to her
8 principal broker.

9 1.8 When McIntyre-Huldermann later reached out to Gillott for help in the
10 transaction and Gillott said she didn't have record of the transaction where Melcher purchased
11 the property from McIntyre-Huldermann. Gillott was only able to locate a pre-listing agreement
12 which had expired in October 2019 and an unsigned contract of sale.

13 **First Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand a
14 licensee's real estate license who has disregarded or violated any provision of ORS 659A.421,
15 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the
16 Real Estate Agency. ORS 696.301(3) is implemented in part by OAR 863-015-0145(2) (1-1-
17 2019 Edition), which states: (2) transactions described in section (1) of this rule of a principal
18 broker must be processed in the same manner as the licensee's other professional real estate
19 activities and comply with the records requirement under OAR 863-015-0250.

20 **First Conclusion of Law:** By failing to process the transaction in the same manner as
21 her other professional real estate activities Melcher violated ORS 696.301(3) and its
22 implementing rule OAR 863-015-0145(2) (1-1-2019 Edition).

23 **Second Statement of Law:** ORS 696.301(3) authorizes the Commissioner to
24 reprimand a licensee's real estate license who has disregarded or violated any provision of
25 ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or
26 any rule of the Real Estate Agency. ORS 696.301(3) is implemented in part by OAR 863-015-
27 0250(2) (1-1-2019 Edition) which states when a real estate broker receives any document
28 referred to in (1) of this rule, the real estate broker must transmit to the real estate broker's
29 principal broker the document within 3 banking days of a real estate broker's receipt of the
30 document.

1 **Second Conclusion of Law:** By failing to transmit the purchase agreement to her
2 principal broker within 3 banking days of the receipt of the document, Melcher violated ORS
3 696.301(3) and its implementing rule OAR 863-015-0250(2) (1-1-2019 Edition).

4 **Third Findings of Fact:**

5 1.9 A purchase price dispute developed between Melcher and McIntyre-Huldermann.

6 1.10 On June 10th, 2020, Melcher sent McIntyre-Huldermann a text referencing her
7 loan was approved and she was just waiting for her house to close in a few weeks. She stated
8 she would be emailing a formal purchase agreement to sign to get escrow opened and to
9 move the process along.

10 1.11 Per Melcher's calculations, due to payments already made, the remaining funds
11 due for the purchase price was \$190,000.00, which was disputed by McIntyre-Huldermann.

12 1.12 On June 2020, a new purchase agreement was signed by Melcher and McIntyre-
13 Huldermann, with Melcher offering \$190,000.00 for the subject property with \$1,000 earnest
14 money placed toward the transaction and agreed to later deposit an additional \$46,000.00
15 before closing. Melcher signed the agreement on June 20, 2020 and McIntyre-Huldermann
16 signed on June 14, 2020.

17 1.13 Per the June 2020 contract, the \$1,000 earnest money deposit was to be
18 deposited with escrow within five business days. Melcher failed to deposit the earnest money
19 within five days of McIntyre-Huldermann's acceptance of the purchase agreement.

20 1.14 The subject property was later relisted on August 25, 2020, for \$239,000.00 and
21 McIntyre-Huldermann accepted a full price offer.

22 **Third Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand a
23 licensee's real estate license who has disregarded or violated any provision of ORS 659A.421,
24 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the
25 Real Estate Agency. ORS 696.301(3) is implemented in part by OAR 863-015-0257(3)(b) (1-
26 1-2020 Edition), which states (3) for a check held pursuant to section (2), the real estate broker
27 or principal broker within three banking days following the acceptance of the offer or a
28 subsequent counter offer must: (b) deposit the check to a licensed neutral escrow depository
29 located within this state, tracking the earnest money deposit from the buyer to the principal
30 broker and to the escrow depository.

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 Jamie Alisa Melcher's broker license license be, and
6 hereby is reprimanded.

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9 IT IS SO STIPULATED:

IT IS SO ORDERED:

10

11 DocuSigned by:
12 *Jamie Melcher*

DocuSigned by:
Steven Strode



13 JAMIE ALISA MELCHER

STEVEN STRODE

14

Real Estate Commissioner

15 Date 3/15/2022 | 4:54 PM PDT

Date 3/16/2022 | 8:26 AM PDT

16

Date of Service: 03/16/2022

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