

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Property Manager License)
of)
SHIRLEY MILLER) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Shirley Miller (Miller) 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 Miller is currently licensed as a property manager. Her license was affiliated with All-4-U Property Management from December 13, 2017, and January 20, 2021. On January 20, 2021, Miller’s license was made inactive.

1.2 On April 24, 2021, while her license was inactive, Miller entered into a property management agreement with property owner Stephen White (White) to manage 8 properties located at 1860 S. 7th St. #A, #B, #C, #D Lebanon, and 1255-1257, 1275-1277 Stonefield Ct., Stayton. According to the property management agreement, Miller was compensated 10% of the gross collected monthly rents.

1.3 On May 26, 2021, White emailed his previous property manager, Tina Mitchell (Mitchell), instructions to forward records, statements, owner reserves, funds owed, and security deposits to Miller. On May 31, 2021, Mitchell made a check out to Miller for \$4,200, noting 3 months’ rent for one of White’s properties. Between May 27, 2021, and June

1 9, 2021, Mitchell wrote eight checks to Miller, all noting “SD” and referencing a rental until.
2 Mitchell wrote three additional checks referencing “Reserve Return,” for 8 rental units. Miller
3 also received 8 separate “Account Ledgers” for White’s properties from Mitchell.

4 1.4 On November 23, 2021, Agency Financial Investigator/Auditor Liz Hayes (Hayes)
5 informed Miller her license was inactive. Miller confirmed she was only working for White and
6 was collecting and forwarding rent to White. Miller had a clients’ trust account, and a security
7 deposits account holding security deposits. Hayes informed Miller she didn’t meet an
8 exemption. Later that same day, Miller completed the application to reinstate her property
9 manager license and completed a registered business name application. Her license was
10 associated with Shirley Miller Property Management on November 23, 2021.

11 1.5 Miller engaged in unlicensed real estate activity between April 24, 2021, and
12 November 22, 2021.

13 **First Statement of Law:** ORS 696.020(2) states an individual may not engage in, carry
14 on, advertise or purport to engage in or carry on professional real estate activity, or act in the
15 capacity of a real estate licensee within this state unless the individual holds an active license
16 as provided for in this chapter. ORS 696.010(17)(h) defines professional real estate activity
17 as any of the following actions, when engaged in for another and for compensation or with the
18 intention or in the expectation or upon the promise of receiving or collecting compensation, by
19 any person who: (h) engages in the management of rental real estate. ORS 696.010(14)
20 defines the management of rental real estate activity. ORS 696.990(4)(a) and (b) states: (4)
21 Any person that violates ORS 696.020(2) may be required by the Real Estate Commissioner to
22 forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount
23 determined by the commissioner of: (a) Not less than \$100 nor more than \$500 for the first
24 offense of unlicensed professional real estate activity; and (b) Not less than \$500 nor more
25 than \$1,000 for the second and subsequent offenses of unlicensed professional real estate
26 activity.

27 **First Conclusion of Law:** By engaging in the management of rental real estate from
28 April 24, 2021, to November 22, 2021, during the time Miller’s license was inactive, Miller
29 engaged in professional real estate activity as described in ORS 696.010(17)(h), which is a
30 violation of ORS 696.020(2) (2021 Edition). Miller is subject to a civil penalty under ORS

1 696.990(4)(a)(b) (2021 Edition).

2 2.

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

11 3.

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

14 4.

15 STIPULATION AND WAIVER

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

27 I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and
28 understand that the Order which follows hereafter, which I have also read and understand,
29 may be completed and signed by the Real Estate Commissioner or may be rejected by the
30 Real Estate Commissioner. I further understand that, in accordance with the provisions of

1 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News
2 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 and based upon the violation
8 set forth above, Miller pay a civil penalty in the sum of \$3,100.00, said penalty to be paid to the
9 General Fund of the State Treasury by paying the same to the Agency.

10
11 IT IS SO STIPULATED:

IT IS SO ORDERED:



12
13 DocuSigned by:

14 *Shirley Miller*

15 12A6BA70B3554FB...

SHIRLEY MILLER

DocuSigned by:

14 *Steven Strode*

15 E2C2D0097AD8471...

STEVEN STRODE

16 Real Estate Commissioner

17 Date 1/31/2022 | 12:49 PM PST

17 Date 2/4/2022 | 7:54 AM PST

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19 Date of Service: 02/04/2022

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