

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of )  
TINA JANELL MITCHELL ) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Tina Janell Mitchell (Mitchell) 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, Mitchell was licensed as a property manager doing business under the registered business name of All-4-U Property Management.

1.2 On June 9, 2021, Shirley Miller (Miller) submitted a complaint against Mitchell on behalf of owner Stephen White (White) and the Agency opened an investigation.

1.3 Mitchell purchased All-4-U Property Management (APM) from Miller in August 2020. Miller managed 8 properties for White.

1.4 Mitchell said she had a problem with her accounting software; she couldn't send owner distributions over \$5,000 and had to send White multiple payments.

1.5 When she was completing her 2020 year-end accounting, Mitchell said she discovered several of White's owner distributions bounced, and White was owed \$936.06. On December 31, 2020, Mitchell wrote White a check for the discrepancy.

1.6 When asked for an accounting of how she determined the amount owed to

1 White, Mitchell provided handwritten notes for transactions occurring between August and  
2 December 2020, with no clear explanation of when the distribution to White bounced.

3 **First Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand a  
4 licensee's real estate license who has disregarded or violated any provision of ORS 659A.421,  
5 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the  
6 Agency. ORS 696.301(3) is implemented in part by ORS 696.890(4)(c),(d), and (e). ORS  
7 696.890(4)(c),(d), and (e) (2019 Edition) states: (4) a real estate property manager owes the  
8 property owner the following affirmative duties: (c) to exercise reasonable care and diligence;  
9 (d) to account in a timely manner for all funds received from or on behalf of the owner; and (e)  
10 to act in a fiduciary manner in all matters relating to trust funds.

11 **First Conclusion of Law:** When completing the year-end accounting Mitchell found  
12 White's owner distributions had bounced, and he was owed \$936.66. When asked for an  
13 accounting of how she determined the amount owed, Mitchell provided handwritten notes for  
14 transactions occurring between August and December 2020, with no clear explanation of when  
15 the distribution bounced, in violation of ORS 696.301(3) and its implementing statute ORS  
16 696.890(4)(c),(d), and (e) (2019 Edition).

17 **Second Findings of Fact:**

18 1.7 By her admission, Mitchell failed to provide monthly owner statements to White.

19 **Second Statement of Law:** ORS 696.301(3) authorizes the Commissioner to  
20 reprimand a licensee's real estate license who has disregarded or violated any provision of  
21 ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or  
22 any rule of the Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR  
23 863-025-0055(4) (1-1-2020 and 1-1-2021 Editions). OAR 863-025-0055(4) (01/01/2020 and  
24 01/01/2021 Editions), states a property manager must report in writing to each owner any  
25 change in the owner's ledger. A monthly report, showing all receipts and disbursements for the  
26 account is sufficient under this section. A copy of such report must be preserved and filed in  
27 the property manager's records. If an annual reports contains information not required to be  
28 provided by the property manager under these rules, the property manager must set forth such  
29 information separately.

30 **Second Conclusion of Law:** Mitchell failed to ensure Stephen White received his

1 monthly owner statements in violation of ORS 696.301(3) and its implementing rule OAR 863-  
2 025-0055(4) (01/01/2020 and 01/01/2021 Editions).

3 **Third Findings of Fact**

4 1.8 On March 24, 2021 Mitchell emailed White a 30- day notice of termination. The  
5 same day Mitchell forwarded White copies of 8 rental agreements.

6 1.9 On April 23, 2021, the effective termination date of the property management  
7 agreement, White informed Mitchell that all records closing out his property management  
8 should be forwarded to Miller.

9 1.10 On May 26, 2021, White emailed Mitchell instruction to forward all outstanding  
10 records and funds to Miller.

11 1.11 In the complaint, Miller included 8 separate "Account Ledgers" for White's  
12 properties that were provided by Mitchell. The ledgers contained transactions between August  
13 1, 2020, and June 9, 2021. It is unclear when Miller received these ledgers. The "Account  
14 Ledgers" appear to be an owner ledger and included a record of when rents were received,  
15 management fees, owner disbursements and other expenses. These records failed to  
16 include the following details required for an owner ledger; purpose of the funds received, the  
17 check number or cash receipt number for funds received, the check number or bank generated  
18 electronic tracking number for disbursements, and the purpose of the disbursement.

19 1.12 The ledgers included the checks Mitchell wrote to Miller between May 27, 2021,  
20 and June 9, 2021, for White's owner reserves and held security deposits.

21 **Third Statement of Law** ORS 696.301(3) authorizes the Commissioner to reprimand a  
22 licensee's real estate license who has disregarded or violated any provision of ORS 659A.421,  
23 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the  
24 Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-025-  
25 0055(3)(b)(B),(C),(c)(C), and (E) (01/01/2020, and 01/01/2021 Editions). OAR 863-025-  
26 0055(3)(b)(B),(C),(c)(C), and (E) states: (3) all owner ledgers must contain at least the  
27 following information: (b) for each deposit of funds: (B) the purpose of the funds and identity of  
28 the person who tendered the funds; (C) the check number, cash receipt number or a unique  
29 series of letters and/or numbers that established an audit trail to the receipt of funds; (c) for  
30 each disbursement of funds: (C) the check number or bank generated electronic tracking

1 number; (E) the purpose of the disbursement.

2 **Third Conclusion of Law:** By failing to include all the required elements on the owners  
3 ledger Mitchell violated ORS 696.301(3) and its implementing rule OAR 863-025-  
4 0055(3)(b)(B),(C), (c)(C), and (E) (01/01/2020, and 01/01/2021 Editions).

5 **Fourth Findings of Fact**

6 1.13 The account ledgers note multiple instances of disbursements made when there  
7 were insufficient funds to do so. The following instances were noted:

- 8 • Account ledger “#23-B 1860 S 7 St. Unit B” had insufficient funds  
9 for disbursements made on December 28, 2020, and February 19, 2021, through  
10 February 20, 2021.
- 11 • Account ledger “023-D 1860 S 7th Street #D” had insufficient funds for the  
12 disbursement made on October 21, 2020.
- 13 • Account ledger “023-B S 7th St. Unit B” had insufficient funds for disbursements  
14 made between February 19, 2021, and February 20, 2021.
- 15 • Account ledger “024-1 1275 Stonefield Ct-1” had insufficient funds for the  
16 disbursement made on February 21, 2021.
- 17 • Account ledger “042-2 1277 Stonefield Court -2” had insufficient funds for the  
18 disbursement made on September 10, 2020.

19 1.14 Based on the provided documents it appears funds were transferred between  
20 White’s ledger accounts. Per White’s property management agreement, there is nothing noted  
21 in the terms that allows funds to be transferred between the separate ledger accounts.

22 **Fourth Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand  
23 a licensee’s real estate license who has disregarded or violated any provision of ORS  
24 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any  
25 rule of the Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-  
26 025-0027(3) and (5)(a) (01/01/2020 and 01/01/2021 Editions), which states (3) a property  
27 manager must not disburse funds from a clients' trust account or security deposits account  
28 unless there are sufficient funds, as defined in OAR 863-025-0010, in the ledger account  
29 against which the disbursement is made, (5) a property manager may only transfer funds  
30 between two or more owner ledger accounts maintained for the same owner if: (a) the owner

1 has given the property manager prior written approval in the property management agreement  
2 or in an addendum to the agreement.

3 **Fourth Conclusion of Law:** Mitchell made multiple disbursements out of the clients'  
4 trust account when there were insufficient funds in the ledger account to do so (see above).  
5 Additionally, Mitchell transferred funds between White's owner ledgers when nothing was  
6 noted in the property management agreement allowing the transfers. Mitchell violated ORS  
7 696.301(3) and its implementing rule OAR 863-025-0027(3) and (5)(a) (01/01/2020 and  
8 01/01/2021 Editions).

9 **Fifth, Sixth, and Seventh Findings of Fact:**

10 1.15 On September 28, 2021, Agency Financial Investigator/Auditor Liz Hayes  
11 emailed Mitchell requesting records, including Mitchell's reconciliation records for May and  
12 June 2021 for account ending in #3269.

13 1.16 On November 2, 2021, Mitchell forwarded copies of the requested records, but  
14 failed to provide the reconciliation records. Hayes followed up the same day requesting the  
15 reconciliation records.

16 1.17 On November 3, 2021, Hayes spoke with Mitchell who disclosed that she had not  
17 reconciled the clients trust accounts. Mitchell said she hired a bookkeeper toward the end of  
18 2020 to assist with the books and complete White's final accounting. While there was no  
19 record of receipts of disbursements provided by Mitchell, Mitchell submitted multiple account  
20 records that noted rent funds were deposited into the correct clients' trust account and when  
21 owner disbursements were made.

22 1.18 Mitchell was asked if she believed she had all the records required to complete a  
23 three-way reconciliation. Mitchell said she thought she did. In November 2021, Mitchell hired  
24 another bookkeeper to help recreate her accounting from when she took over the business.

25 **Fifth Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand 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 863-025-  
29 0028(2)(a) (01/01/2020 and 01/01/2021 Editions), which states (2) a property manager must  
30 reconcile each clients' trust account within 30 calendar days of the date of the bank statement

1 pursuant to the requirements contained in this section, (a) the reconciliation must have three  
2 components that are contained in a single reconciliation document.

3 **Fifth Conclusion of Law:** By failing reconcile her clients' trust accounts monthly,  
4 Mitchell violated ORS 696.301(3) and its implementing rule OAR 863-025-0028(2)(a)  
5 (01/01/2020 and 01/01/2021 Editions).

6 **Sixth Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand a  
7 licensee's real estate license who has disregarded or violated any provision of ORS 659A.421,  
8 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the  
9 Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-025-  
10 0035(1)(b) and (j) (01/01/2020 and 01/01/2021 Editions), which states (1) the property  
11 manager's records of the management of rental real estate are "complete and adequate" as  
12 required under ORS 696.280 if the records contain, at least, the following: (b) clients' trust  
13 account and security deposit account records required by OAR 863-025-0000 to 863-025-0080  
14 and ORS Chapter 696; and (j) records of the reconciliation of each clients' trust account and  
15 security deposits account, including the reconciliation document.

16 **Sixth Conclusion of Law:** By failing to reconcile her clients' trust accounts monthly,  
17 Mitchell violated ORS 696.301(3) and its implementing rule OAR 863-025-0035(1)(b) and (j)  
18 (01/01/2020 and 01/01/2021 Editions).

19 **Seventh Statement of Law:** ORS 696.301(3) authorizes the Commissioner to  
20 reprimand a licensee's real estate license who has disregarded or violated any provision of  
21 ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or  
22 any rule of the Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR  
23 863-025-0035(3)(b) (01/01/2021 Edition) which states (3) if a property manager uses a  
24 computerized system for creating, maintaining and producing required records and reports: (b)  
25 posting of owner ledgers, record of receipts and disbursements, tenant ledgers and  
26 manipulation of information and documents must be maintained in a format that will readily  
27 enable tracking and reconciliation.

28 **Seventh Conclusion of Law:** By failing to retain records of receipts and disbursements  
29 in a format that readily enables tracking and reconciliation Mitchell violated ORS 696.301(3)  
30 and its implementing rule OAR 863-025-0035(3)(b) (01/01/2021 Edition).



1 of a court of law, or the inactive status of the license, or voluntary surrender of the license by  
2 the real estate licensee does not deprive the commissioner of jurisdiction to: (1) proceed with  
3 an investigation of the licensee; (2) conduct disciplinary proceedings relating to the licensee;  
4 (3) Take action against a licensee, including assessment of a civil penalty against the licensee  
5 for a violation of ORS 696.020(2); or (4) revise or render null and void an order suspending or  
6 revoking a license.

7 3.

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

10 4.

11 STIPULATION AND WAIVER

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

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

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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

5 ORDER

6 IT IS HEREBY ORDERED that Tina Janell Mitchell's property manager license be, and  
7 hereby is reprimanded.  
8

9  
10 IT IS SO STIPULATED:

IT IS SO ORDERED:

11  
12 DocuSigned by:  
13 Tina Janell Mitchell  
14 6CE378782ED548E...  
TINA JANELL MITCHELL

15  
16 DocuSigned by:  
17 Steven Strode  
18 E2C2D0097AD8471...  
19 STEVEN STRODE



20 Date 2/7/2022 | 10:12 AM PST

21 Date 2/8/2022 | 7:51 AM PST

22 Date of Service: 02/08/2022  
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