

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
TONI LYNNE O'HARA) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Toni Lynne O'Hara (O'Hara) 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, O'Hara was licensed as a property manager working under the registered business name Viking Property Management.

1.2 Viking Property Management was selected to participate in a clients' trust account review for clients' trust account ending in #2982 for the month of February 2021. Due to O'Hara's failure to provide a balanced reconciliation during the review process an investigation was opened.

1.3 O'Hara provided reconciliation documents for January 2022 for clients' trust account ending in #2982 and security deposits account ending in #3006.

1.4 January 2022 reconciliation document for clients' trust account ending in #2982 showed the following:

- Part I: \$67,286.45
- Part II: \$67,764.65

- 1 • Part III: \$67,764.65
- 2 • Part IV Comments: “Need to put \$472.20 into bank to match total”

3 1.5 The reconciliation document and supporting documentation indicates there was
4 \$472.20 less in the bank account than what the check register and ledgers indicate.

5 1.6 January 2022 reconciliation document for security deposits account ending in
6 #3006 showed the following:

- 7 • Part I: \$129,981.75
- 8 • Part II: \$129,854.93
- 9 • Part III: \$129,823.05
- 10 • Part IV: (Amount of difference in total of parts I, II, and III) -\$158.70

11 1.7 The reconciliation document and supporting documentation indicates there is
12 between \$126.82 and \$158.70 more in the bank account than the check register and ledgers
13 indicate.

14 1.8 O’Hara provided her February 2022 reconciliations for both clients’ trust account
15 ending in #2982 and security deposits account ending in #3006. A review of the documents
16 for both accounts indicates the difference had not been reconciled.

17 1.9 For clients’ trust account ending in #2982, the reconciliation document showed
18 there was \$487.70 less in the account than the check register and owner ledgers indicate,
19 which is an increase of the difference of \$5.50 between the January and February 2022
20 reconciliations.

21 1.10 For security deposits account ending in #3006, the reconciliation document
22 showed there was between \$161.70 and/or \$129.82 more in the account than the check
23 register and security deposit ledgers indicate, which is an increase of the overall difference of
24 approximately \$3.00 between the January and February 2022 reconciliations.

25 **First 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)(b),(3)(b) and (4) (1-1-21 Edition). OAR 863-025-0028(2)(b)(3)(b) and (4) (1-1-21
30 Edition) states: (2) A property manager must reconcile each clients’ trust account within 30

1 calendar days of the date of the bank statement pursuant to the requirements contained in this
2 section. (b) The balances of each component in section (2)(a) of this rule must be equal to and
3 reconciled with each other. If any adjustment is needed, the adjustment must be clearly
4 identified and explained on the reconciliation document. (3) A property manager must reconcile
5 each security deposits account within 30 calendar days of the bank statement date pursuant to
6 the requirements contained in this section. (b) The balances of each component in section
7 (3)(a) of this rule must be equal to and reconciled with each other. If any adjustment is
8 needed, the adjustment must be clearly identified and explained on the reconciliation
9 document. (4) A property manager must take corrective action to resolve all adjustments made
10 in a reconciliation prior to the next reconciliation or document the good faith efforts the property
11 manager has taken to resolve the adjustment.

12 **First Conclusion of Law:** By failing to properly reconcile the clients' trust account and
13 security deposits account and failing to make adjustments and take correction action, O'Hara
14 violated ORS 696.301(3) and its implementing rule OAR 863-025-0028(2)(b),(3)(b) and (4) (1-
15 1-21 Edition).

16 **Second Findings of Fact:**

17 1.11 Failing to resolve the differences and reconcile the clients' trust accounts
18 demonstrates incompetence or untrustworthiness in performing acts for which O'Hara is
19 required to hold a license.

20 **Second Statement of Law:** ORS 696.301(12) authorizes the Commissioner to
21 reprimand a licensee's real estate license who has demonstrated incompetence or
22 untrustworthiness in performing any act for which the real estate licensee is required to hold a
23 license.

24 **Second Conclusion of Law:** The above acts violate ORS 696.301(12) (2021 Edition).

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

29 1.12 In August 2018, O'Hara was issued a civil penalty for continuing to engage in
30 professional real estate activity after her license expired and later lapsed.

1 1.13 In August 2020, O'Hara's property manager license was reprimanded. The
2 violations noted in the stipulated final order included failing to properly reconcile her clients'
3 trust accounts.

4 2.

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

13 3.

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

16 4.

17 STIPULATION AND WAIVER

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

29 I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and
30 understand that the Order which follows hereafter, which I have also read and understand,

1 may be completed and signed by the Real Estate Commissioner or may be rejected by the
2 Real Estate Commissioner. I further understand that, in accordance with the provisions of
3 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News
4 Journal.

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

8 ORDER

9 IT IS HEREBY ORDERED that Toni Lynne O'Hara's property manager license be, and
10 hereby is reprimanded.

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IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:
Toni Lynne O'Hara
D573421E47674CB...

DocuSigned by:
Steven Strode
E2C2D0097AD8471...



TONI LYNNE O'HARA

STEVEN STRODE

Real Estate Commissioner

Date 6/25/2022 | 7:00 PM PDT

Date 6/27/2022 | 8:16 AM PDT

Date of Service: 06/27/2022