

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of
GERALD T. PAPENHEIM)
STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Gerald T. Papenheim (Papenheim) 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 At all times mentioned herein, Papenheim was licensed as a principal broker with Papenheim Properties.

1.2 On March 9, 2022, Papenheim self-reported a criminal conviction to the Agency. The Agency opened an investigation.

1.3 On October 7, 2022, through the Deschutes County Circuit Court, Papenheim was charged with Criminal Trespass in the First Degree and Criminal Trespass in the Second Degree.

1.4 On January 25, 2022, Papenheim was convicted of Criminal Trespass in the Second Degree through the Deschutes County Circuit Court, based on a no contest plea on December 9, 2021. Per the Judgment, Papenheim was ordered to complete 8 hours of community service and pay a fine of \$200.00.

1.5 On July 22, 2021, a deputy sheriff from the Deschutes County Sheriff's Office

1 was dispatched to contact Brian Abendroth (Abendroth) regarding a trespasser at his
2 residence located at 18920 River Woods Dr., Bend, Oregon (subject property). Abendroth
3 reported two males entered the property for an unknown reason. Abendroth told officers he
4 had three separate no trespassing signs on the driveway entering the property and a forth sign
5 on the gate leading to his backyard where the two men entered.

6 1.6 Papenheim told the sheriff that he was a licensed real estate broker in Oregon
7 and went to assess the property for possible purchase. Papenheim told the officer he didn't
8 see the no trespassing signs and was not aware the property was occupied. Papenheim
9 acknowledged to the sheriff he had made a mistake and never should have gone on the
10 subject property without permission from the owner or occupant.

11 1.7 During his interview with Agency Financial Investigator/Auditor Frank Leonard
12 Papenheim stated he did not enter the house and that he had only entered the front and rear
13 yard of the subject property.

14 **First Statement of Law:** ORS 696.301(11) authorizes the Commissioner to reprimand
15 a licensee's real estate license who has been convicted of a felony or misdemeanor
16 substantially related to the real estate licensee's trustworthiness or competence to engage in
17 professional real estate activity.

18 **First Conclusion of Law:** On January 25, 2022, Papenheim was convicted of Criminal
19 Trespass in the Second Degree for his actions on or about July 22, 2021, in violation of ORS
20 696.301(11) (2021 Edition).

21 **Second Statement of Law:** ORS 696.301(12) authorizes the Commissioner to
22 reprimand 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.

25 **Second Conclusion of Law:** On July 22, 2021, Papenheim walked onto and around
26 the subject property without permission of the owner, in violation of ORS 696.301(12) (2021
27 Edition).

28 **Third Findings of Fact:**

29 1.8 On March 9, 2022, Pepenheim self-reported his criminal conviction to the Agency
30 43 days after the signed judgment which was issued on January 25, 2022.

1 **Third Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand a
2 licensee’s real estate license who has disregarded or violated any provision of ORS 659A.421,
3 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the
4 Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-015-
5 0175(1)(a)(b)(c)(4) (1-1-2021 Edition) which states: (1) A real estate licensee must notify the
6 Commissioner of the following: (a) Any criminal conviction (felony or misdemeanor), including
7 a “no contest” plea or bail forfeiture; (b) Any adverse decision or judgment resulting from any
8 civil or criminal suit or action or arbitration proceeding or any administrative or Oregon State
9 Bar proceeding related to the licensee in which the licensee was named as a party and against
10 whom allegations concerning any business conduct or professional real estate activity is
11 asserted; and (c) Any adverse decision or judgment resulting from any other criminal or civil
12 proceeding that reflects adversely on the “trustworthy and competent” requirements contained
13 in ORS Chapter 696 and its implementing rules; and (4) the notification required by this rule
14 must be made within twenty 20 calendar days after receiving written notification of an adverse
15 judgment, award, or decision described in this rule. Notification must be made under this rule
16 whether or not the decision is appealed.

17 **Third Conclusion of Law:** By reporting the conviction 43 days after the judgment was
18 issued, Papenheim violated ORS 696.301(3) and its implementing rule OAR 863-015-
19 0175(1)(a)(b)(c)(4) (1-1-2021 Edition).

20 **Fourth Findings of Fact:**

21 1.9 In the above violations Papenheim demonstrated conduct below the standard of
22 care for the practice of professional real estate activity in Oregon.

23 **Forth Statement of Law:** ORS 696.301(15) authorizes the Commissioner to reprimand
24 a licensee’s real estate license who has engaged in conduct that is below the standard of care
25 for the practice of professional real estate activity in Oregon as established by the community
26 of individuals engaged in the practice of professional real estate activity in Oregon.

27 **Forth Conclusion of Law:** In the above violations Papenheim engaged in conduct
28 below the standard of care for the practice of professional real estate activity in Oregon, in
29 violation of ORS 696.301(15) (2021 Edition).

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

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

9 ORDER

10 IT IS HEREBY ORDERED that Gerald T. Papenheim’s principal broker license be, and
11 hereby is reprimanded.

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IT IS SO STIPULATED:

IT IS SO ORDERED:

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GERALD T. PAPENHEIM

STEVEN STRODE

Real Estate Commissioner

Date 7/29/2022 | 9:49 AM PDT

Date 8/1/2022 | 7:43 AM PDT

Date of Service: 08/01/2022