

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of
RYAN DANIEL BARSTAD) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Ryan Daniel Barstad (Barstad) 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 Barstad was licensed as a real estate broker with Wallowa Mountain Properties, Inc. from April 29, 2016, until June 1, 2020, at which time his license expired, Barstad reinstated his license on June 3, 2020, and was licensed as a real estate broker with Wallowa Mountain Properties, Inc. until November 27, 2020, at which time his license became inactive. Barstad's license has remained inactive to date.

1.2 On May 14, 2022, Barstad submitted a renewal application to the Agency. According to Agency records, Barstad answered yes to questions 6 and 7 on the renewal application. Question 6 asks "At any time during the past 24 months or since your last renewal, have you been convicted of any felony or misdemeanor criminal offense? "Convicted" includes a guilty or "no contest" plea, verdict of guilty by a judge or jury, or a forfeiture of bail. All convictions must be disclosed, even if they were later dismissed or a diversion program completed. Include major traffic violations, such as DUII, reckless driving, or driving while

1 suspended or uninsured.” Question 7 asks “At any time during the past 24 months, have you
2 been on parole or probation?”

3 1.3 On June 17, 2022, an investigation was opened as a result of Barstad answering
4 yes to the above renewal questions.

5 1.4 On April 4, 2021, Barstad was convicted of four counts of Assault in the Fourth
6 Degree - Constituting Domestic Violence, one count of Menacing - Constituting Domestic
7 Violence, one count of Criminal Mischief in the Second Degree, and four counts of Harassment
8 - Constituting Domestic Violence, committed on or about May 20, 2020.

9 1.5 On July 7, 2021, Barstad was convicted of one count of Fleeing or Attempting to
10 Elude a police officer, committed on or about April 1, 2021, a class C felony.

11 **First Statement of Law:** ORS 696.301(3) authorizes the Commissioner to suspend a
12 licensee’s real estate license who has disregarded or violated any provision of ORS 659A.421,
13 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the
14 Real Estate Agency. Implementation of ORS 696.301(3) is made through ORS 696.301(11)
15 (2021 Edition)

16 **First Conclusion of Law:** By being convicted of a felony substantially related to
17 Barstad’s trustworthiness or competence to engage in professional real estate activity, Barstad
18 violated ORS 696.301(3) and its implementing statute ORS 696.301(11) (2021 Edition)

19 **Second Findings of Fact:**

20 1.6 Barstad failed to report the convictions identified above to the Agency.

21 **Second Statement of Law:** ORS 696.301(3) authorizes the Commissioner to suspend
22 a licensee’s real estate license who has disregarded or violated any provision of ORS
23 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any
24 rule of the Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-
25 015-0175(1)(c)(4) (1/1/2020 and 1/1/2021 Editions):

26 **Second Conclusion of Law:** By failing to notify the Commissioner of his convictions
27 within 20 calendar days after receiving written notification of the adverse decision, Barstad
28 violated ORS 696.301(3) and its implementing rule OAR 863-015-0175(1)(c)(4) (1/1/2020 and
29 1/1/2021 Editions).

30 **Conclusion of Law:** The forgoing violations are grounds for discipline pursuant to ORS
696.301. Based on these violations a suspension is appropriate for violations of ORS

1 696.301(3). Based upon the above violations a suspension of Barstad’s license is appropriate
2 under ORS 696.396(2)(c)(A). According to ORS 696.396(2)(c)(A), the Agency may suspend a
3 real estate license if the material facts establish a violation of a ground for discipline under
4 ORS 696.301 that: (A) results in significant damage or injury. As previously noted, the Agency
5 has set forth the grounds of discipline as ORS 696.301(3) and (11).

6 2.

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

15 3.

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

18 4.

19 STIPULATION AND WAIVER

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

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

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

10 ORDER

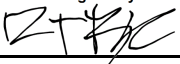
11 IT IS HEREBY ORDERED that Ryan Barstad's license is hereby suspended until he
12 has successfully completed all terms of his Supervised Probation, scheduled to end April 7,
13 2024. Should Barstad complete his Supervised Probation prior to April 7, 2024, Barstad may
14 write the Agency requesting the suspension be lifted. Should the term of Barstad's Supervised
15 Probation extend past April 7, 2024, the suspension will remain in place until Barstad is off
16 probation.

17 IT IS FURTHER ORDERED that, this Order is conditioned by the following restrictions:
18 (a) Barstad must meet renewal requirements and is subject to applicable renewal rules; (b)
19 Barstad shall not be convicted of any felony or misdemeanor during the suspension term; (c)
20 Barstad shall immediately notify the Real Estate Agency of any criminal convictions or license
21 law violations during the suspension term; (d) Barstad shall notify the Agency at the time his
22 probation period ends. OREA will conduct an inquiry on Barstad including but not limited to a
23 check through the Law Enforcement Data System. If OREA finds that there is no reason to
24 continue suspension, Barstad may reactivate his license, and

25 IT IS FURTHER ORDERED that, should Barstad violate any term or condition of this
26 Agreement, or conditions of his Supervised Probation, it may be a basis on which to revoke
27 Barstad's license in accordance with ORS 696.301(13).

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IT IS SO STIPULATED:

DocuSigned by:

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Ryan D. Barstad

Date 2/14/2023 | 2:28 PM PST

IT IS SO ORDERED:



DocuSigned by:

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STEVEN STRODE

Real Estate Commissioner

Date 2/15/2023 | 7:50 AM PST

Date of Service: 02/15/2023