

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

JESSICA LINDSAY BROWN

FINAL ORDER BY DEFAULT

**PROCEDURAL HISTORY AND PROCEDURAL LAW**

1.

1.1 On September 25, 2023, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Revoke License No. PM.200903040 And To Assess A Civil Penalty* the property manager license of Jessica Brown (Brown). The Oregon Real Estate Agency (Agency) sent the Notice of Intent to Brown’s two last known addresses of record with the Agency (2035 SE Harrison Street, Milwaukie, OR 97222 and P.O. Box 16610, Portland, OR 97292). The *Notice of Intent* was also mailed to Brown by regular first-class mail to both of the above addresses in a handwritten envelope. And *The Notice of Intent* was emailed to Brown at her email address of record.

1.2 The email was not returned as undeliverable.

1.3 On October 23, 2023, the certified mailing sent to 2035 SE Harrison Street, Milwaukie, OR 97222 was returned to the Agency as Return to Sender, Undeliverable as Addressed, Unable to Forward. On November 9, 2023, the certified mailing sent to P.O. Box 16610, Portland, OR 97292 was returned to the Agency as Return to Sender, Unclaimed, Unable to Forward. The first-class mailings to both addresses have not been returned to the Agency. Over twenty days (20 days) have elapsed since the mailing of the notice issued in this matter and no written request for hearing has been received by the Agency.

2.

Based upon the foregoing, and upon the Agency's investigation reports, documents and files that, pursuant to Section 9 of the *Notice of Intent*, automatically become part of the evidentiary record of this disciplinary action upon default (for the purpose of proving a prima facie case (ORS 183.417(4)), the Real Estate Commissioner finds:

2.1 A notice of intent is properly served when deposited in the United States mail, registered or certified mail, and addressed to the real estate licensee at the licensee's last known address of record with OREA. (ORS 183.415(2); OAR 137-003-0505; OAR 863-001-0006. If correctly addressed, such a notice is effective even though it is not received by the person to be notified. *Stroh v. SAIF*, 261 OR 117, 492 P2d 472 (1972) (footnote 3 in this case misquotes the cited treatise and contradicts the text of the opinion; treatise and cited case law support the proposition stated in the text.) Also, notice is effective even though the addressee fails or refuses to respond to a postal service "mail arrival notice" that indicates that certified or registered mail is being held at the post office. See *State v. DeMello*, 300 Or App 590, 716 P2d 732 (1986) (discussing use of certified mail to effectuate notice of driver's license suspension under ORS 482.570). See also *El Rio Nilo, LLC v. OLCC*, 240 Or App 362, 246 P3d 508 (2011) (Notice by certified mail effective even though addressee did not pick up in time to file request for hearing timely).(Oregon Attorney General's Administrative Law Manual and Uniform Model Rules Of Procedure Under the Administrative Procedures 2019 Edition at pages 97-98.

2.2 Brown's last known address of record with the Agency was 2035 SE Harrison Street, Milwaukie, OR 97222.

2.3 A certified mailing of the *Notice of Intent* was mailed to Brown at her last known address of record on September 25, 2023. The certified mailing of the notice was returned to the Agency as Return to Sender, Undeliverable as Addressed, Unable to Forward.

2.4 The notice was mailed certified to another possible address for Brown at P.O. Box 16610, Portland, OR 97292. This certified mailing was returned to the Agency as Return to Sender, Unclaimed, Unable to Forward.

2.5 The notice was also mailed regular first-class mail in a handwritten envelope to both of the above possible addresses for Brown. The mailings in the handwritten envelope

have not been returned to OREA. The OAH Rules contain a rebuttable presumption that documents sent by regular mail are received by the addressee. ORS 137-003-0520(10). If the regularly mailed notice is actually received, it is effective on the date received, rather than the date of mailing.

2.6 Over twenty (20) days have elapsed since the mailing of the notice and no written request for a hearing has been received.

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

2.8 As noted in section 9 of the *Notice of Intent to Revoke License No. PM.200903040 And To Assess A Civil Penalty*, and section 2 above, the Agency's entire investigation file was designated as the record for purposes of presenting a prima facie case upon default, including submissions from Brown and all information in the administrative file relating to the mailing of notices and any responses received.

### **FINDINGS OF FACT**

#### 3.

3.1 Brown was licensed as a property manager at Portland's Premier Property Management LLC (PPPM) until her license expired on February 1, 2023.

3.2 On March 30, 2023, the Agency received a complaint from Akin Blitz (Blitz) against Brown. The Agency opened an investigation.

3.3 Blitz, who was acting as trustee of the Eugene F. Butori Revocable Living Trust (Butori), alleged in the complaint that Brown defrauded Butori over multiple years in the amount of \$120,055.00.

3.4 On March 31, 2023, the Agency sent Brown an email requesting a response to the complaint. A due date of April 7, 2023, was given.

3.5 On April 11, 2023, Attorney Bruce Shepley (Shepley) notified the Agency that he is representing Brown and to not communicate further with his client.

3.6 On April 18, 2023, the Agency sent a follow up email to Shepley requesting a response from his client. That same day, the Agency received a response from Shepley stating that his client was invoking her rights and would not be responding.

3.7 On May 2, 2023, the Agency sent Shepley an additional email compelling a response from Brown, informing him of the possible consequences to Brown for not responding. That same day, the Agency received a response from Shepley requesting an extension through the end of May. A due date of May 31, 2023, was given.

3.8 On May 31, 2023, Shepley requested the specific allegations made against his client. A copy of the complaint was submitted to Shepley via fax.

3.9 On June 5, 2023, the Agency emailed Shepley following up on the request for a written response to the complaint.

3.10 On June 13, 2023, Shepley notified the Agency that due to a family medical event, Brown would have a delay in providing the written response.

3.11 On June 27, 2023, Shepley notified the Agency that he is no longer representing Brown.

3.12 On June 28, 2023, Agency Investigator Dylan Ray (Ray) emailed Brown asking if she had new representation and if she was willing to cooperate with the Agency. Brown responded on June 30, 2023, that she would like to speak with the Agency, but was out for the week, and would reach out later that day to arrange a time to speak. Brown failed to contact the Agency as she stated she would.

3.13 Ray sent two follow-up emails to Brown, one on June 30, 2023, and the other on July 3, 2023, requesting a time to speak. Brown did not respond to either email.

3.14 On July 5, 2023, Ray sent a records request email to Brown compelling her to provide records of property management activity immediately. The requested records included reconciliation documents, copies of invoices and checks, and individual tenant ledgers for Butori's accounts. Brown was given until the end of the day to comply.

3.15 Brown failed to respond and did not provide the requested records.

3.16 On August 7, 2023, the Agency sent Brown, via DocuSign, settlement offer documents, along with an opportunity to schedule an informal settlement conference with the Agency. Per Agency process, Brown was given two weeks to respond.

3.17 Per DocuSign, the documents were viewed by Brown at 5:46 pm on August 7, 2023.

3.18 On August 24, 2023, Brown sent an email to the Agency requesting the settlement documents be resent. That same day, the settlement offer documents were resent to Brown via DocuSign with a deadline to respond by August 29, 2023.

3.19 Per DocuSign, the documents were viewed by Brown at 10:47 am on August 30, 2023.

3.20 On August 30, 2023, Brown emailed the Agency that she had reviewed the documents and was prepared to respond. Brown indicated that she had questions and requested a time to speak about the process, but was not requesting a settlement conference.

3.21 On August 31, 2023, Agency Senior Case Analyst Meghan Lewis responded to Brown's email, offering assistance, and requested Brown send questions via email for review and response.

3.22 No further response or communication from Brown was received.

**(1) Violation:** By failing to provide requested property management records, Brown violated ORS 696.301(3) as it incorporates OAR 863-025-0035(2)(b)(c) (1/1/2023 Edition) and ORS 696.280 (2021 Edition). OAR 863-025-0035(2)(b)(c) states: a property manager must produce records for inspection of the Agency (b) if the Agency has reasonable grounds to believe that funds of an owner or tenant may be missing or misappropriated or that the property manager is engaging in fraudulent activity, any records demanded or requested by the Agency must be produced immediately; and (c) failure to produce such records within the timelines stated in OAR 863-025-0035(2)(a) or (b) of this section is a violation of ORS 696.301. ORS 696.280 states: Records of licensed real estate property managers and real estate brokers; rules. (1) A licensed real estate property manager or principal real estate broker shall maintain within this state, except as provided in subsection (6) of this section, complete and adequate records of all professional real estate activity conducted by or through the licensed real estate property

manager or principal real estate broker. The Real Estate Agency shall specify by rule the records required to establish complete and adequate records of a licensed real estate property manager's or principal real estate broker's professional real estate activity. The only documents the agency may require by rule a licensed real estate property manager or principal real estate broker to use or generate are documents that are otherwise required by law or are voluntarily generated in the course of conducting professional real estate activity. (4) Except as provided in subsection (2) of this section, records under this section must be maintained by the real estate licensee for a period of not less than six years after the following date: (c) For management of rental real estate, the date on which the record expired, was superseded or terminated, or otherwise ceased to be in effect; and (d) For all other records, the date the record was created or received, whichever is later. (5) Records under this section may be maintained in any format that allows for inspection and copying by the commissioner or the commissioner's representatives, as prescribed by rule of the agency.

3.23 Blitz provided the Agency supporting documentation, including owner ledgers.

3.24 Bank statements were provided to the Agency from the Milwaukie Police Department.

3.25 The owner ledgers labeled BUTOMAPL – 8777 SW Maple Court, Tigard, OR 97223 (BUTOMAPL) and BUTOSEPT – 17608 SW September Lane, Beaverton, OR 97006 (BUTOSEPT), show two payments made to Wagoner Construction LLC.

3.26 The October 2022 owner ledger for BUTOSEPT shows check #8682, with a date of October 18, 2022, in the amount of \$1,260.00. The description reads “General Maintenance Labor – Inv 0113, HOA Repairs, Reduce Trip Hazards to 1”, Remo.”

3.27 The January 2023 owner ledger for BUTOMAPL shows check #8869, with a date of January 9, 2023, in the amount of \$1,405.00. The description reads “General Maintenance Labor, Inv. 0032 – Past Due – Exterior Repairs Water Damage Re.”

3.28 In a review of bank records for PPPM, for the client trust account ending in #5910, a copy of check #8682 was found with a matching date as was reflected in the owner ledger but shows the check payable to PPPM in the amount of \$6,472.00.

3.29 Bank records for PPPM also show a copy of check #8869, with the same date and dollar amount reflected in the owner ledger, but the check was made payable to PPPM.

3.30 On June 22, 2023, in a phone call with Ray, Forrest Wagener, owner of Wagener Construction LLC, confirmed he had never done work for PPPM, he did not know Brown and did not work on the properties identified on the owner's ledger.

**(2) Violation:** By disbursing funds to PPPM from the clients' trust account ending in #5910 but identifying a payee other than PPPM on the owner ledger, Brown violated ORS 696.301(14) (2021 Edition). ORS 696.301(14) states a real estate license may be disciplined if they have: (14) committed an act of fraud or engaged in dishonest conduct substantially related to the fitness of the applicant or real estate licensee to conduct professional real estate activity, without regard to whether the act or conduct occurred in the course of professional real estate activity.

3.31 The owner ledger from BUTOMAPL for the months of November and December 2022, shows the starting and ending balance differed from the prior months.

3.32 The November 2022 ledger for BUTOMAPL shows a beginning balance of \$1,809.40 as of October 21, 2022. Rental income was shown as \$1,695.00 on October 29, 2022, with an ending balance of \$3,504.40.

3.33 The December 2022 ledger for BUTOMAPL shows a beginning balance of \$1,809.40 as of November 21, 2022. Rental income was shown as \$1,695.00, and disbursements to PPPM were made in the amount of \$135.60 and \$295.00 for management fees and appliance repairs, with an ending balance of \$3,073.80.

3.34 The owner ledger labeled BUTOROTH – 15922 SW Roth Drive, Beaverton, OR 97078 (BUTOROTH) for the months of November and December 2022, shows the starting and ending balance differed from the prior months.

3.35 The November 2022 ledger for BUTOROTH shows a beginning balance of \$4,015.41 as of October 21, 2022. Rental income was shown as \$1,325.00, along with a disbursement to PPPM for \$106.00 for management fees, with an ending balance of \$5,234.41.

3.36 The December 2022 ledger for BUTOROTH shows a beginning balance of \$3,909.41 as of November 21, 2022. Rental income was shown as \$1,325.00, along with a disbursement to PPPM for \$106.00 for management fees. The ending balance was \$5,234.41.

3.37 Neither ledger shows a corresponding disbursement.

**(3) Violation:** By the records of property management activity showing owner ledgers that provide a different starting balance than the prior month's ending balance, without a corresponding disbursement, Brown violated ORS 696.301(3) as it incorporates OAR 863-025-0055(4) (1/1/2022 Edition). OAR 863-025-0055(4) states: (4) a property manager must report in writing to each owner any change in the owner's ledger. A monthly report, showing all receipts and disbursements for the account of the owner during the prior monthly period, is sufficient under this section. A copy of each such report must be preserved and filed in the property manager's records. If an annual report contains information not required to be provided by the property manager under these rules, the property manager must set forth such information separately.

**(4) Violation:** By the records of property management activity showing owner ledgers that fail to include the name of the owner, Brown violated ORS 696.301(3) as it incorporates OAR 863-025-0055(3)(a) (1/1/2022 Edition). OAR 863-025-0055(3)(a) states: (3) all owner ledgers must contain at least the following information; (a) the owner's name and identifying code.

3.38 All of the above demonstrates incompetence and untrustworthiness in performing acts for which the real estate licensee is required to hold a license and conduct that is below the stand of care for the practice of professional real estate activity in Oregon.

**(5) Violation:** The above violations demonstrate incompetence in violation of ORS 696.301 (12) and (15) (2021 Edition) which states a licensee's real estate license may be disciplined who has: (12) demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license; (15) engaged in any conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

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**STATEMENT OF LAW APPLICABLE TO FINDINGS OF FACT**

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4.1 ORS 696.301(3) states a real estate licensee's real estate license may be disciplined if they have: (3) disregarded or violated any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency

4.2 ORS 696.301(12) states a licensee's real estate license can be disciplined if they have demonstrated incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license.

4.3 ORS 686.301(15) states a licensee's real estate license may be disciplined if they have: (15) engaged in any conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

4.4 ORS 696.396(2)(c)(B) and (C) states the rules adopted by the Commissioner under this section: (c) May not authorize imposition of a suspension or a revocation of a real estate license *unless the material facts establish a violation of a ground for discipline under ORS 696.301* that: (B) Exhibits incompetence in the performance of professional real estate activity; (C) Exhibits dishonest or fraudulent conduct.

4.5 OAR 863-027-0020(1) defines the goal of progressive discipline and OAR 863-027-0020(2) sets out all factors the Real Estate Commissioner will consider when determining the level of discipline for licensees.

4.6 ORS 696.990(6)(a) and (b) states a real state licensee who is a real estate property manager or principal real estate broker and who is engaging in or who has engaged in the management of rental real estate may be required to forfeit and pay to the General Fund of the State Treasury a civil penalty of up to \$1,000.00 per day of violation, or a lesser penalty in an amount determined by the commissioner if the licensee fails to comply with rules that require the licensee to produce for inspection records related to the management of rental real estate that are maintained by the licensee as provided by ORS 696.280; (b) states a civil penalty imposed under this subsection may not exceed \$10,000.00.

4.7 OAR 863-025-0035(2)(b)(c) states (2) a property manager must produce records required under section (1) of this rule for inspection by the Agency as follows: (b) if the Agency has reasonable grounds to believe that funds of an owner or tenant may be missing or misappropriated or that the property manager is engaging in fraudulent activity, any records demanded or requested by the Agency must be produced immediately; and (c) Failure to produce such records within the timelines stated in subsection (a) or (b) of this section is a violation of ORS 696.301.

4.8 ORS 696.280 states the ORS 696.280 states: records of licensed real estate property managers and real estate brokers; rules. (1) a licensed real estate property manager or principal real estate broker shall maintain, within this state, except as provided in subsection (6) of this section, complete and adequate records of all professional real estate activity conducted by or through the licensed real estate property manager or real estate broker. The Real Estate Agency shall specify by rule the records required to establish complete and adequate records of a licensed real estate property manager's or principal real estate broker's professional real estate activity. The only documents the agency may require by rule a licensed real estate property manager or principal real estate broker to use or generate are documents that are otherwise required by law or are voluntarily generated in the course of conducting professional real estate activity; (4) except as provided in subsection (2) of this section, records under this section must be maintained by the real estate licensee for a period of not less than six years after the following date; (c) for management of rental real estate, the date on which the record expired, was superseded or terminated, or otherwise ceased to be in effect; and (d) for all other records, the date the record was created or received, whichever is later; (5) records under this section may be maintained in any format that allows for inspection and copying by the commissioner or the commissioner's representatives, as prescribed by rule of the Agency.

4.9 In establishing the violations alleged above, the Agency may rely on one or more definitions contained in ORS 696.010.

4.10 And, in accordance with ORS 696.775, the lapsing, expiration, revocation or suspension of a real estate license, whether by operation of law, order of the Real Estate Commissioner or decision of a court of law, or the inactive status of the license, or voluntary

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

### **ULTIMATE FINDINGS OF FACT**

#### 5.

5.1 Brown failed to produce the requested property management records to the Agency.

5.2 Brown's property management records show disbursements to PPPM from a clients' trust account but identified a different payee in the owner ledger.

5.3 Brown's property management records show owner ledgers that provide a different starting balance than the prior month's ending balance, without a corresponding disbursement.

5.4 Brown's property management records show owner ledgers that fail to include the name of the owner.

5.5 Brown's complete failure to produce the requested records constitutes grounds to impose a civil penalty as per ORS 696.990(6)(a) and (b).

5.6 Brown demonstrated incompetence and untrustworthiness, and conduct that is below the standard of care for the practice of professional real estate activity in Oregon.

5.7 In summary, the facts above establish grounds to revoke Brown's property manager license and impose a civil penalty in an amount up to \$10,000.00.

### **CONCLUSIONS OF LAW**

#### 6.

6.1 Pursuant to ORS 183.417(4) and OAR 137-003-0670 Brown is in default.

6.2 The material facts establish a violation of a ground for discipline, by preponderance of the evidence, under ORS 696.301 as set forth in the *Notice of Intent to*

*Revoke License No. PM.200903040 And To Assess a Civil Penalty.* ORS 696.396(1),(2)(c)(B) and (C).

6.3 Based on these violations, the Agency may revoke Brown's property manager license.

6.4 Specifically, Brown is subject to discipline pursuant to ORS 696.301(3), (12) and (15) for: (3) disregarding or violating any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency; (12) demonstrating incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license; and (15) engaging in any conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

6.5 A revocation of Brown's property manager license is appropriate for violations of ORS 696.301(3), (12) and (15).

6.6 A revocation of Brown's property manager license is appropriate under ORS 696.396(2)(c)(B) and (C). According to ORS 696.396(2)(c)(B) and (C) the Agency may revoke a real estate license if the material facts establish a violation of a ground of discipline under ORS 696.301 that (B) exhibits incompetence in the performance of professional real estate activity; (C) exhibits dishonest or fraudulent conduct.

6.7 The *Notice of Intent to Revoke License No. PM.200903040 And To Assess a Civil Penalty* also established grounds to assess a civil penalty pursuant to ORS 696.990(6)(a)(b), and based on these violations, the Agency may assess a civil penalty against Brown.

6.8 Based on the evidence in the record, the preponderance of the evidence supports the revocation of Brown's property manager license.

6.9 The Agency may therefore, revoke Brown's property manager license. The Agency may also assess a civil penalty in the amount of \$10,000.00.

6.10 Pursuant to ORS 696.775 the expiration or lapsing of Brown's license does not prohibit the Commissioner from proceeding with this, or further action.

6.11 The specific violations are repeated here below:

**(1) Violation:** By failing to provide requested property management records, Brown violated ORS 696.301(3) as it incorporates OAR 863-025-0035(2)(b)(c) (1/1/2023 Edition) and ORS 696.280 (2021 Edition). OAR 863-025-0035(2)(b)(c) states: a property manager must produce records for inspection of the Agency (b) if the Agency has reasonable grounds to believe that funds of an owner or tenant may be missing or misappropriated or that the property manager is engaging in fraudulent activity, any records demanded or requested by the Agency must be produced immediately; and (c) failure to produce such records within the timelines stated in OAR 863-025-0035(2)(a) or (b) of this section is a violation of ORS 696.301. ORS 696.280 states: Records of licensed real estate property managers and real estate brokers; rules. (1) A licensed real estate property manager or principal real estate broker shall maintain within this state, except as provided in subsection (6) of this section, complete and adequate records of all professional real estate activity conducted by or through the licensed real estate property manager or principal real estate broker. The Real Estate Agency shall specify by rule the records required to establish complete and adequate records of a licensed real estate property manager's or principal real estate broker's professional real estate activity. The only documents the agency may require by rule a licensed real estate property manager or principal real estate broker to use or generate are documents that are otherwise required by law or are voluntarily generated in the course of conducting professional real estate activity. (4) Except as provided in subsection (2) of this section, records under this section must be maintained by the real estate licensee for a period of not less than six years after the following date: (c) For management of rental real estate, the date on which the record expired, was superseded or terminated, or otherwise ceased to be in effect; and (d) For all other records, the date the record was created or received, whichever is later. (5) Records under this section may be maintained in any format that allows for inspection and copying by the commissioner or the commissioner's representatives, as prescribed by rule of the agency.

**(2) Violation:** By disbursing funds to PPPM from the clients' trust account ending in #5910 but identifying a payee other than PPPM on the owner ledger, Brown violated ORS 696.301(14) (2021 Edition). ORS 696.301(14) states a real estate license may be disciplined if they have: (14) committed an act of fraud or engaged in dishonest conduct substantially related to the fitness of the applicant or real estate licensee to conduct professional real estate activity,

without regard to whether the act or conduct occurred in the course of professional real estate activity.

**(3) Violation:** By the records of property management activity showing owner ledgers that provide a different starting balance than the prior month's ending balance, without a corresponding disbursement, Brown violated ORS 696.301(3) as it incorporates OAR 863-025-0055(4) (1/1/2022 Edition). OAR 863-025-0055(4) states: (4) a property manager must report in writing to each owner any change in the owner's ledger. A monthly report, showing all receipts and disbursements for the account of the owner during the prior monthly period, is sufficient under this section. A copy of each such report must be preserved and filed in the property manager's records. If an annual report contains information not required to be provided by the property manager under these rules, the property manager must set forth such information separately.

**(4) Violation:** By the records of property management activity showing owner ledgers that fail to include the name of the owner, Brown violated ORS 696.301(3) as it incorporates OAR 863-025-0055(3)(a) (1/1/2022 Edition). OAR 863-025-0055(3)(a) states: (3) all owner ledgers must contain at least the following information; (a) the owner's name and identifying code.

**(5) Violation:** The above violations demonstrate incompetence in violation of ORS 696.301 (12) and (15) (2021 Edition) which states a licensee's real estate license may be disciplined who has: (12) demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license; (15) engaged in any conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

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ORDER

IT IS HEREBY ORDERED that Jessica Brown's property manager license is revoked.

IT IS FURTHER ORDERED that, pursuant to ORS 696.990(6)(a)(b) and based upon the violation set forth above, Brown pay a civil penalty of \$10,000.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to OREA.

Dated this 28th day of November, 2023.

OREGON REAL ESTATE AGENCY

DocuSigned by:  
*Steve Strobe*  
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Steven Strobe  
Real Estate Commissioner

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NOTICE OF RIGHT TO APPEAL: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the date of service of this order. Judicial review is to the Oregon Court of Appeals, pursuant to the provisions of ORS 183.482.