

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of
RHONDA GILBURNE

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Rhonda Gilburne (Gilburne) do hereby agree and stipulate to the following:

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

1.

1.1 Gilburne was licensed as a property manager with Propel Properties.

1.2 On August 1, 2022, the Agency sent a renewal notification to Gilburne stating her license would expire at the end of August. On August 25, 2022, the Agency sent another notification to Gilburne regarding the upcoming license expiration.

1.3 On September 1, 2022, Gilburne’s license expired. That same day, the Agency sent an email to Gilburne stating the license had expired and included a warning not to conduct professional real estate activity.

1.4 On January 15, 2023, Gilburne submitted a renewal application. In response to one of the questions, Gilburne indicated she had conducted professional real estate activity during the time her license was expired. The Agency opened an investigation.

1.5 On March 6, 2023, Agency Investigator, Dylan Ray (Ray), emailed Gilburne requesting clarification of the real estate activity conducted while her license was expired and also asked if she was acting under a delegation of authority during this time.

///

///

1 1.6 On March 7, 2023, Gilburne provided a template for a delegation of authority for
2 employees of Portland Homes and Commercial Properties (PHCP). The delegation of authority
3 was not signed and dated by either the property manager or the employee.

4 1.7 On March 10, 2023, Gilburne emailed Ray and stated that she signed 50 leases
5 while her license was expired.

6 1.8 Gilburne’s license expired on September 1, 2022, and was not renewed until
7 January 15, 2023. During the time Gilburne’s license was expired, September 1, 2022, to
8 January 15, 2023, 136 days, Gilburne continued conducting professional real estate activity as
9 if actively licensed.

10 **(1) Conclusion of Law:** By conducting professional real estate activity over the course of
11 136 days after Gilburne’s license expired and before renewing it, Gilburne violated ORS
12 696.020(2) and is subject to discipline or civil penalty pursuant to ORS 696.990(4) and (9).

13 **(2) Conclusion of Law:** By approving and accepting tenant rental and lease agreements
14 without a signed and dated delegation of authority by both the property manager and
15 employee, Gilburne violated OAR 863-025-0015(5)(c) (1/1/2023 Edition).

16 1.9 A review of the Gilburne’s emails shows her signature line identifies her
17 registered business name as PHCP and provides a link for <https://www.portlandhomesllc.com/>
18 a website advertising for PHCP. Agency records show Gilburne’s license is registered with
19 Propel Properties.

20 **(3) Conclusion of Law:** By conducting professional real estate activity under a business
21 name that was not registered with the Agency, Gilburne violated ORS 696.026(9) (2021
22 Edition).

23 1.10 The signature line in Gilburne’s emails indicates her name as “Rusty” and not her
24 licensed name of Rhonda. In an interview with Ray Gilburne explained that her nickname is
25 Rusty. Ray notified Gilburne that in order to do business with an alternative name, it must be
26 registered with the Agency.

27 **(4) Conclusion of Law:** By conducting professional real estate activity using an alternative
28 name not registered with the Agency Gilburne violated OAR 863-025-0015(5)(c) (1/1/2022,
29 1/1/2023 Edition).

30 ///

1 1.11 All of the above demonstrates conduct below the standard of care for the practice
2 of professional real estate activity in Oregon and incompetence or untrustworthiness in
3 performing acts for which Gilburne is required to hold a license.

4 **(5) Conclusion of Law:** Based on the foregoing, Gilburne is subject to discipline under
5 ORS 696.301(12) and (15) (2021 Editions)

6 2.

7 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.

8 2.2 The Agency reserves the right to investigate and pursue additional complaints
9 that may be received in the future regarding this licensee.

10 2.3 In establishing the violations alleged above, the Agency may rely on one or more
11 of the definitions contained in ORS 696.010.

12 2.4 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a
13 real estate license, whether by operation of law, order of the Real Estate Commissioner or
14 decision of a court of law, or the inactive status of the license, or voluntary surrender of the
15 license by the real estate licensee does not deprive the commissioner of jurisdiction to: (1)
16 proceed with an investigation of the licensee; (2) conduct disciplinary proceedings relating to
17 the licensee; (3) Take action against a licensee, including assessment of a civil penalty against
18 the licensee for a violation of ORS 696.020(2); or (4) revise or render null and void an order
19 suspending or revoking a license.

20 3.

21 STIPULATION AND WAIVER

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

1 Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this
2 matter.

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

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

14 ORDER

15 IT IS HEREBY ORDERED that Rhonda Gilburne’s property manager license be, and
16 hereby is reprimanded.

17 IT IS FURTHER ORDERED that pursuant to ORS 696.990(1) to (9) and based upon the
18 violations set forth above, Gilburne pay a civil penalty in the sum of \$1,000.00, said penalty to
19 be paid to the General Fund of the State Treasury by paying the same to the Agency. The civil
20 penalty is computed in accordance with ORS 696.990(4) and (9).

22 IT IS SO STIPULATED:

IT IS SO ORDERED:

24 DocuSigned by:

25 *Rhonda Gilburne*

26 563064A5865C402...

RHONDA GILBURNE

28 Date 6/13/2023 | 10:47 AM PDT

DocuSigned by:

25 *Steve Strode*

26 E2C2D0097AD8471...

STEVEN STRODE

Real Estate Commissioner

28 Date 6/16/2023 | 8:26 AM PDT



30 Date of Service: 6/16/2023