

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

SEAN PATRICK RAFFINGTON



FINAL ORDER BY DEFAULT

**PROCEDURAL HISTORY AND PROCEDURAL LAW**

1.

1.1 On October 30, 2023, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Revoke License No. PM.201243875* the property manager license of Sean Raffington (Raffington). The Oregon Real Estate Agency (Agency) sent the Notice of Intent to Raffington’s two last known addresses of record with the Agency (3095 Hwy 101 N., Seaside, OR 97138 and 600 Broadway St., Suite 7, Seaside, OR 97138). The *Notice of Intent* was also mailed to Raffington by regular first-class mail to both of the above addresses in a handwritten envelope. And *The Notice of Intent* was emailed to Raffington at his email address of record.

1.2 The email was not returned as undeliverable.

1.3 On November 2, 2023, the certified mailing sent to 600 Broadway St., Suite 7, Seaside, OR 97138, was returned to the Agency as Return to Sender, Vacant, Unable to Forward. On November 9, 2023, the first-class mailing sent to 600 Broadway St., Suite 7, Seaside, OR 97138, was returned to the Agency as Return to Sender, Attempted-Not Known, Unable to Forward. Neither the certified mailing nor the first-class mailing to 3095 Hwy 101 N., Seaside, OR 97138 have 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 Raffington's last known address of record with the Agency was 3095 Hwy 101 N., Seaside, OR 97138

2.3 A certified mailing of the *Notice of Intent* was mailed to Raffington at his last known address of record on October 30, 2023. The certified mailing of the notice has not been returned to the Agency.

2.4 The notice was mailed certified to another possible address for Raffington at 600 Broadway St., Suite 7, Seaside, OR 97138. This certified mailing was returned to the Agency as Return to Sender, Vacant, 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 Raffington. The mailing addressed to 3095 Hwy 101

N., Seaside, OR 97138 in the handwritten envelope has not been returned to OREA. The mailing addressed to 600 Broadway St., Suite 7, Seaside, OR 97138, in the handwritten envelope was returned to the Agency as Return to Sender, Attempted-Not Known, Unable to Forward. 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.201243875*, 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 Raffington and all information in the administrative file relating to the mailing of notices and any responses received.

### **FINDINGS OF FACT**

#### 3.

3.1 Raffington was licensed as a property manager with Romds Property Services LLC (Romds) until August 31, 2023, when his license expired.

3.2 On February 27, 2023, the Agency received a complaint from Christine Hutchins against Raffington.

3.3 The complaint alleged that Raffington was conducting business out of a property in Troutdale, Oregon (Property), without business signage, and that the property owner had to “drill the locks” to get into the property after the tenants vacated.

3.4 On March 30, 2023, the Agency received an email from the Property owner, Julie Buker (Buker). Buker stated that Raffington was untruthful about who the tenant living at the Property was. Buker also stated that she asked Raffington for a signed copy of the property management agreement (PMA), when the lease was signed, but she only received an unsigned copy.

3.5 Buker made the decision to stop having her property managed by Romds, and the tenant would vacate the Property on March 15, 2023. Raffington told Buker that his maintenance staff had keys to the Property, but they were not present, so Buker had a locksmith drill out the locks.

3.6 Buker stated that Raffington owes her at least \$3,829.00.

3.7 On March 31, 2023, the Agency opened an investigation.

3.8 On April 29, 2023, Raffington provided the Agency with a response to the complaint against him from Buker. Raffington stated that Buker was aware that he and other staff would be using the extra room on the Property, not used the staff living onsite, when they were in the area.

3.9 Raffington provided a screenshot showing the PMA was signed by Buker via DocuSign on December 16, 2021. Raffington also provided a screenshot of the first page of the lease agreement, which stated the tenant would use the leased premises only as a residence. Raffington stated that Romds held a reserve, but it was used to fix the heater and other items, and Buker owes them funds.

3.10 On May 4, 2023, Agency Investigator Aaron Grimes (Grimes) spoke with Buker on the phone. Buker stated when she hired Romds, she met Raffington at the Property. Raffington said the management fee would be a flat fee of \$225.00 per month, and Raffington would do all maintenance, including yard work. They agreed to a maintenance reserve of \$1,500.00.

3.11 Buker didn't believe that Romds used any of the maintenance reserves, but never received an account balance, when she requested one from Raffington.

3.12 In an interview on May 18, 2023, Grimes asked Raffington to provide documents, including the owner's ledgers, final disbursement of the funds, the January 2023 owner statement for the Property, a copy of insurance policies, an accounting of the security deposit, and an email showing that the subject property is a business location. Raffington said he was not at his Seaside office at the time of the interview.

3.13 On May 19, 2023, Raffington requested additional time to provide the requested documents to Grimes. A due date of May 22, 2023, was given.

3.14 On May 23, 2023, Grimes followed up with Raffington by email on the outstanding documents. No response from Raffington was received.

3.15 On May 24, 2023, Grimes called Raffington. Grimes received an automatic text reply stating Raffington was busy and to text him. Grimes sent Raffington a text message asking for an update on the requested documents. No response from Raffington was received.

3.16 On May 30, 2023, Grimes sent another email to Raffington compelling him to cooperate by providing the requested documents. No response from Raffington was received.

3.17 On July 13, 2023, the Agency sent Raffington, via DocuSign, settlement offer documents, along with an opportunity to schedule an informal settlement conference with the Agency. Per Agency process, Raffington was given two weeks to respond.

3.18 On July 31, 2023, Raffington requested an informal settlement conference, which was scheduled for August 17, 2023.

3.19 On August 16, 2023, Raffington requested a reschedule of the settlement conference, due to needing to gather additional documentation. The settlement conference was rescheduled to September 13, 2023.

3.20 On August 31, 2023, Raffington's license expired, and the Registered Business Name (RBN) Romds Property Services LLC went into a void status.

3.21 On September 13, 2023, the Agency received an email from Raffington's Executive Assistant, Mark Roads (Roads) requesting a reschedule of the settlement conference due to Raffington having been in the hospital. The settlement conference was rescheduled to September 25, 2023.

3.22 On September 25, 2023, the Agency received an email from Roads requesting a reschedule of the settlement conference due to a medical issue. The Agency requested

supporting documentation to consider the request for an extension. No response was received thereafter.

3.23 On October 18, 2023, the Agency sent a final communication to Raffington requesting a response to prior requests, along with outlining the Agency's intention to proceed with a Notice of Intent to Revoke license. No response was received.

**(1) Violation:** By failing to provide requested property management records to the Agency, Raffington violated ORS 696.301(3) and its implementing rule OAR 863-025-0035(2)(a)(b)(c) (01/01/2023 Edition). OAR 863-025-0035(2)(a)(b)(c) states: a property manager must produce records required under section (1) of this rule for inspection by the Agency (a) when the Agency makes a request for production of property management records, the property manager must provide such records within no less than five banking days; (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.

3.24 Buker provided Grimes with a copy of the PMA she signed via DocuSign. In section (1) of the PMA, the property description was blank.

3.25 During the May 18, 2023, interview with Grimes, Raffington said that the PMA should have had the property address on it.

**(2) Violation:** By failing to include the address of the property in the property management agreement, Raffington violated ORS 696.301(3) and its implementing rule OAR 863-025-0020(2)(a) (01/01/2023 Edition). OAR 863-025-0020(2)(a) states: a property management agreement must include but is not limited to (a) the address or legal description of the owner's rental real estate.

3.26 The Residential Lease Agreement for the Property dated January 26, 2022, stated that Helen and Jacob St. Onge were residing at the Property. The agreement stated that the tenant would use the leased premises only as a residence. Mark Moore (Moore) signed the Residential Lease Agreement as the landlord.

3.27 In the May 18, 2023, interview with Grimes, Raffington said he told Buker that his manager was going to be living at the Property, and that they were in communication about using the extra room on the Property as an office. Raffington states Romds paid additional utilities, including “all” maintenance and landscaping, because they were running the business there.

3.28 Grimes asked Raffington who was working at the Property. Raffington said Helen St. Onge lived at the Property, and they rotated employees through.

3.29 Raffington told Grimes he had emails showing that Buker knew the Property was a business location. Raffington did not provide the Agency documentation of Buker’s knowledge of Romds conducting their business at the Property.

3.30 On February 24, 2023, Buker provided Raffington a 30-day notice to terminate the PMA. The PMA would have ceased on March 27, 2023.

3.31 Buker stated in her complaint that Raffington told her the tenants would be vacating the Property on February 15, 2023. On that day, Raffington told Buker the tenants would be extending and would be out of the Property on March 15, 2023. The move out date was extended again to March 20, 2023, and then again to March 23, 2023.

3.32 Raffington told Grimes that he had a conversation with Buker over the phone and told her the tenants needed to extend their move-out. Raffington did not provide the Agency supporting documentation regarding the changing dates for the tenant to move out.

**(3) Violation:** By operating his business from the property owner’s property, without her knowledge and absent proof that she knew about the changing dates for the tenant to vacate, Raffington violated ORS 696.301(1)(5)(12) (2021 Edition) and ORS 696.890(4)(a)(b)(c)(f) (2021 Edition). ORS 696.301(1)(5)(12) states: the Real Estate Commissioner may suspend or revoke the real estate license of any real estate licensee, reprimand any real estate licensee or deny the issuance or renewal of a license to an applicant who has (1) created a reasonable probability of damage or injury to a person by making one or more material misrepresentations or false promises in a matter related to professional real estate activity; (5) acted as an agent and an undisclosed principal in any transaction; and (12) demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license.

ORS 696.890(4)(a)(b)(c)(f) states: a real estate property manager owes the property owner the following affirmative duties (a) to deal honestly and in good faith; (b) to disclose material facts known by the property manager and not apparent or readily ascertainable to the owner; (c) to exercise reasonable care and diligence; and (f) to be loyal to the owner by not taking action that is adverse or detrimental to the owner's interest.

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

##### 4.

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: (12) demonstrated incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license.

4.3 ORS 696.301(15) states a licensee's real estate license can 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) states the Real Estate Commissioner may revoke a real estate license if 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.

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 OAR 863-025-0035(2)(a)(b), and (c) states: (2) a property manager must produce records required under section (1) of this rule for inspection by the Agency as follows:(a) When the Agency makes a request for production of property management records, the property manager must provide such records within no less than five banking days; (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.

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

4.8 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 Raffington failed to produce the requested property management records to the Agency.

5.2 Raffington failed to include the address of the property in the property management agreement.

5.3 Raffington failed to notify the property owner that he was operating his business from her property.

5.4 Raffington did not provide the property owner notice that move-out dates for the tenants would be changing.

5.5 In summary, the facts above establish grounds to revoke Raffington's property manager license.

**CONCLUSIONS OF LAW**

6.

6.1 Pursuant to ORS 183.417(4) and OAR 137-003-0670 Raffington 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.201243875*. ORS 696.396 (2)(c)(B).

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

6.4 Specifically, Raffington 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 Raffington's property manager license is appropriate for violations of ORS 696.301(3), (12) and (15).

6.6 A revocation of Raffington's property manager license is appropriate under ORS 696.396(2)(c)(B). According to ORS 696.396(2)(c)(B) 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.

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

6.8 The Agency may therefore, revoke Raffington's property manager license.

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

6.10 The specific violations are repeated here below:

**(1) Violation:** By failing to provide requested property management records to the Agency, Raffington violated ORS 696.301(3) and its implementing rule OAR 863-025-0035(2)(a)(b)(c)

(01/01/2023 Edition). OAR 863-025-0035(2)(a)(b)(c) states: a property manager must produce records required under section (1) of this rule for inspection by the Agency (a) when the Agency makes a request for production of property management records, the property manager must provide such records within no less than five banking days; (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.

**(2) Violation:** By failing to include the address of the property in the property management agreement, Raffington violated ORS 696.301(3) and its implementing rule OAR 863-025-0020(2)(a) (01/01/2023 Edition). OAR 863-025-0020(2)(a) states: a property management agreement must include but is not limited to (a) the address or legal description of the owner’s rental real estate.

**(3) Violation:** By operating his business from the property owner’s property, without her knowledge and absent proof that she knew about the changing dates for the tenant to vacate, Raffington violated ORS 696.301(1)(5)(12) (2021 Edition) and ORS 696.890(4)(a)(b)(c)(f) (2021 Edition). ORS 696.301(1)(5)(12) states: the Real Estate Commissioner may suspend or revoke the real estate license of any real estate licensee, reprimand any real estate licensee or deny the issuance or renewal of a license to an applicant who has (1) created a reasonable probability of damage or injury to a person by making one or more material misrepresentations or false promises in a matter related to professional real estate activity; (5) acted as an agent and an undisclosed principal in any transaction; and (12) demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license.

///

///

///

///

///

ORDER

IT IS HEREBY ORDERED that Sean Raffington's property manager license is revoked.

Dated this 29th day of November, 2023.

OREGON REAL ESTATE AGENCY

DocuSigned by:  
*Steve Strobe*  
E2C2D0097AD8471...



Steven Strobe  
Real Estate Commissioner

---

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.