

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of
KEVIN LOREN HALE)
STIPULATED FINAL ORDER

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

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

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1.1 At all times mentioned herein, Hale was licensed as a real estate broker with Coldwell Banker Farley Company.

1.2 On March 28, 2023, the Agency received a complaint from Frances Barnett (F. Barnett) and Donald Barnett (D. Barnett) against Hale. The Agency opened an investigation.

1.3 Hale represented both the Barnetts, as buyers, and Paul Weston (P. Weston) and Katie Weston, as sellers, in the sale of a property in Pendleton, OR (the Property).

1.4 Closing documents for the Property were signed on March 28, 2022.

1.5 In the complaint, the Barnetts stated that on April 5, 2022, Hale electronically signed F. Barnett's signature via DocuSign on the seller's property disclosure statement, vacant land addendum, and lead-based paint addendum. The incorrect spelling of F. Barnett's name on the document was noted.

1.6 A review of documents show that F. Barnett electronically signed Addendum # Two on February 23, 2022, and D. Barnett electronically signed on March 10, 2022. Addendum # Three was electronically signed by F. Barnett on March 7, 2022, and D. Barnett

1 on March 10, 2022. Addendum # Four and Seller's Repair Addendum were both electronically
2 signed by F. Barnett only on March 7, 2022.

3 1.7 A review of the Residential Real Estate Sales Agreement (PSA) shows the
4 Westons initialed each page and signed the acceptance page. F. Barnett initialed each page
5 and signed the acceptance page for herself and D. Barnett.

6 1.8 A review of the Lead Based Paint Disclosure Addendum, Seller's Property
7 Disclosure, and Vacant Land Disclosure Addendum show that they were electronically signed
8 by "Francis Barnett" and Hale on April 5, 2022. They were not signed by D. Barnett.

9 1.9 In a response to the complaint, Hale stated that he did sign the DocuSign
10 documents on behalf of F. Barnett on April 5, 2022, and was "shocked" when he discovered he
11 had. Hale stated that he includes himself on his DocuSign packages and this showed that he
12 emailed the buyer signing to himself. Hale stated he had no explanation or recollection for
13 doing this, but that there was no intent to do harm or ill will.

14 1.10 Section 12 of the PSA states that if a property was constructed prior to 1978,
15 then on or promptly after the Effective Date, seller will deliver to buyer OREF 021 Lead-Based
16 Paint Disclosure Addendum, along with the EPA pamphlet entitled "Protect Your Family From
17 Lead in Your Home." This section also provides the buyer with 10-calendar days to conduct a
18 lead-based paint inspection and allows for termination of the agreement at any time during the
19 10-day period.

20 1.11 In an interview with Agency Investigator Dylan Ray (Ray) on July 26, 2023, when
21 asked if copies of the disclosures were sent to the Barnetts after they were signed on April 5,
22 2022, Hale said no, because he thought it was sent to F. Barnett when the DocuSign was
23 completed. Hale said he provided F. Barnett with a folder that included the disclosures at the
24 time F. Barnett signed the PSA.

25 1.12 F. Barnett told Agency Investigator Aaron Grimes (Grimes) that she did not see
26 the disclosures prior to receiving them on November 29, 2022.

27 **(1) Conclusion of Law:** By electronically signing copies of the Lead Based Paint
28 Disclosure Addendum, Seller's Property Disclosure Statement, and Vacant Land Disclosure
29 Addendum on behalf of the buyers, Hale violated ORS 696.301(3) as it incorporates ORS ORS
30 696.815(2)(b)(5)(b) (2021 Edition).

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2 **(2) Conclusion of Law:** By failing to provide the Lead Based Paint Disclosure Addendum,
3 Seller’s Property Disclosure Statement, and Vacant Land Disclosure Addendum to the buyers,
4 Hale violated ORS 696.301(3) and its implementing rule OAR 863-015-0135(9) (1/1/2023
5 Edition).

6 1.13 As part of their complaint, the Barnetts wrote that Hale knew of a property line
7 issue and failed to disclose it to them.

8 1.14 In his response, Hale wrote that while meeting with the Westons, they requested
9 that Hale insert their answers into the seller’s property disclosure statement document. When
10 Hale reviewed the disclosures with the Westons, they pointed out the property line and
11 indicated it was “three or four feet” beyond the fence.

12 1.15 Hale wrote that the sellers gave him the impression that the property line was to
13 the west of the Property along the fence line, but instead, it ended up running through the
14 garage.

15 1.16 In an interview with Grimes on June 16, 2023, P. Weston said that he was aware
16 there was a property line dispute most of the time they lived there. P. Weston said he told Hale
17 the property lines were different than the fences.

18 1.17 In an interview with Ray, Hale confirmed that the Westons first pointed out the
19 alleged property boundary on January 19, 2022, when meeting with the Westons at the
20 property.

21 1.18 Hale stated that he thinks the sellers should have been clearer when describing
22 the property line.

23 1.19 When asked by Ray if he had any intention of notifying the buyers about the
24 property line issue when he was first told, Hale said he did not. Hale explained that he did not
25 consider the property line being further than the fence. Hale thought the fence was the
26 property line.

27 **(3) Conclusion of Law:** By failing to notify the buyers of the property line discrepancy,
28 Hale violated ORS 696.301(3) as it incorporates ORS 696.815(2)(b)(5)(b) (2021 Edition).

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1 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News
2 Journal.

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

6 ORDER

7 IT IS HEREBY ORDERED that Kevin Hale's broker license be, and hereby is
8 reprimanded.

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IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:
Kevin Hale
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KEVIN HALE

DocuSigned by:
Steve Strobe
E2C2D0097AD8471...
STEVEN STRODE



Date 1/12/2024 | 8:47 AM PST

Date 1/12/2024 | 9:33 AM PST

Date of Service: 1/12/2024