

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of )  
KRISTIN B BENSON ) STIPULATED FINAL ORDER

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

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Benson was licensed as a property manager with Grand Management Services, Inc (GMS).

1.2 On October 17, 2023, GMS was notified that clients' trust account ending in 5353 (CTA-SD #5353), which holds security deposits, has been selected for reconciliation review. An investigation was opened due to the outstanding issues found in the review.

1.3 A review of documents provided to the Agency during the reconciliation review, showed a check dated November 9, 2023, in the amount of \$26,195.00 deposited into CTA-SD #5353, from an account ending in #1651. An account ending in #1651 was not registered with the Agency as a clients' trust account.

1.4 Agency Investigator Dylan Ray (Ray) asked Benson to identify the account type for account ending in #1651. In response, Benson identified the account as the GMS operating account.

1 **(1) Conclusion of Law:** By comingling funds with clients' trust account funds, Benson  
2 violated ORS 696.301(3) as it incorporates ORS 696.241(5)(a)(b) 2023 Edition.

3 1.5 Benson provided the Agency with the July 2024 reconciliation for CTA-SD  
4 #5353, and supporting documentation.

5 1.6 A review of Schedule A, included with the July 2024 Trust Account  
6 Reconciliation document for CTA-SD #5353 showed seven uncleared deposits totaling  
7 \$7,645.00. The date range for the uncleared deposits was August 31, 2023, through  
8 July 31, 2024.

9 1.7 A review of Schedule B, showed a check to GMS in the amount of \$40.00,  
10 dated January 23, 2024, that had not been deposited.

11 1.8 On October 2, 2024, Ray interviewed Benson, along with employees  
12 Marcy Rackley (Rackley) and Sharon Peak (Peak). Rackley explained that the \$40.00  
13 payment to GMS was an application fee that had been put into the wrong account.  
14 Benson provided Ray a copy of the check which had cleared the bank on August 27,  
15 2024.

16 1.9 Rackley explained that a \$1,400.00 uncleared deposit from June 28, 2024,  
17 had been deposited in the wrong account, and that it was transferred into the correct  
18 account on August 26, 2024.

19 **(2) Conclusion of Law:** By failing to identify uncleared deposits and take corrective action  
20 for funds deposited into a clients' trust account prior to the next reconciliation, Benson violated  
21 ORS 696.301(3) and its implementing rule OAR 863-025-0028(4) 1/1/2024 Edition. In addition,  
22 Benson violated ORS 606.301(3) and its implementing rule OAR 863-025-0065(4) 1/1/2024  
23 Edition.

24 1.10 A review of the July 2024 bank statement for CTA-SD #5353 showed an  
25 ending balance of \$562,740.40. This was a difference of \$31.04 from what was included  
26 on Part I of the July 2024 Trust Account Reconciliation document.

27 1.11 A review of the Security Deposit Funds Detail report showed a total  
28 balance of \$569,888.04. This was a difference of \$426.32 from what was included on  
29 Part III of the July 2024 Trust Account Reconciliation document.  
30

1 **(3) Conclusion of Law:** By failing to correctly identify balance differences of CTA-SD  
2 #5353 on all three parts of the Trust Account Reconciliation document, Benson violated ORS  
3 696.301(3) and its implementing rule OAR 863-025-0028(3)(b) 1/1/2024 Edition.

4 1.12 The Security Deposit Funds Detail report included tenants identified as  
5 “past” with move out dates dating to March 2022, but with ledger balances.

6 1.13 Tenant Lloyd Luthringer (Luthringer) was included on the report with a  
7 move-out date of March 31, 2022, and a balance of \$1,025.00.

8 1.14 During the interview, Benson explained to Ray that the tenant Luthringer  
9 did not move out, but the property was sold and GMS was not given instructions on what to do  
10 with the funds. Peak further explained that she usually requires a copy of the HUD-1 to show if  
11 the funds had been transferred as part of closing, but they could not get a copy.

12 1.15 Peak confirmed in the interview that GMS was still holding the funds and  
13 had not taken any additional action to obtain instructions on what to do with the funds.

14 1.16 On October 11, 2024, in an email to Ray, Peak wrote that Luthringer was  
15 closed out and a check was issued to him for the balance as they were still unable to  
16 reach the prior owner for instructions.

17 **(4) Conclusion of Law:** By failing to follow the terms of the tenant agreement for the  
18 disbursement of security deposit funds, and ensure or obtain compliance with direction  
19 when the property sold and was no longer managed by GMS, Benson violated ORS  
20 696.301(3) and its implementing rule OAR 863-025-0030(1)(a)(b)(c)(d) 1/1/2022,  
21 1/1/2023, 1/1/2024 Editions.

22 1.17 During the interview, Ray asked Benson why they transferred \$26,195.00  
23 from their business operating account into CTA-SD #5353. In response, Benson  
24 explained “they were missing.” Peak added that “old deposits were missing.”

25 1.18 Ray followed up and asked if they were able to identify what caused the  
26 deficit. Benson explained they had “suspicions that there was an employee who stole...”  
27 Benson noted that the employee was no longer working for GMS as of early 2017.

28 1.19 Ray asked for confirmation that they knew about the missing funds in  
29 2017. In response, Peak said “...they were still sitting on the reconciliations. We hadn’t  
30 addressed them.” Peak indicated that it was discovered in November 2019.

1 **(5) Conclusion of Law:** By failing to reconcile discrepancies with CTA-SD #5353 when  
2 becoming aware in 2019 that funds were missing, Benson violated ORS 696.301(3) and  
3 its implementing rule OAR 863-025-0028(4) 1/1/2018, 1/1/2019, 1/1/2020, 1/1/2021,  
4 1/1/2022, 1/1/2023 and 1/1/2024 Editions, In addition, Benson violated ORS 696.301(3) as it  
5 incorporates ORS 696.890(4)(c)(e) 2017, 2019, 2021, 2023 Editions.

6 1.20 All of the above demonstrate incompetence or untrustworthiness in performing  
7 acts for which the real estate licensee is required to hold a license and conduct that is below  
8 the standard of care for the practice of professional real estate activity in Oregon.

9 **(6) Conclusion of Law:** Based on the foregoing, Licensee is subject to discipline under  
10 ORS 696.301(12) and (15) 2023 Edition.

11 2.

12 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.

13 2.2 The Agency reserves the right to investigate and pursue additional complaints  
14 that may be received in the future regarding this licensee.

15 2.3 In establishing the violations alleged above, the Agency may rely on one or more  
16 of the definitions contained in ORS 696.010.

17  
18 3.

19 STIPULATION AND WAIVER

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

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

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

### ORDER

IT IS HEREBY ORDERED that Kristin Benson's property manager license be reprimanded.

IT IS SO STIPULATED:

IT IS SO ORDERED:

Signed by:

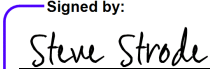


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KRISTIN BENSON

Date 8/19/2025 | 5:41 PM PDT

Signed by:



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STEVEN STRODE

Real Estate Commissioner

Date 8/20/2025 | 8:51 AM PDT



Date of Service: 8/20/2025