

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

ADRIENNE L FABRIQUE

FINAL ORDER BY DEFAULT

**PROCEDURAL HISTORY AND PROCEDURAL LAW**

1.

1.1 On June 5, 2025, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Revoke License No. PM.201239101 and to Assess a Civil Penalty* the real estate property manager license of Adrienne Fabrique (Fabrique). The Oregon Real Estate Agency (Agency) sent the Notice of Intent to Last Name's last known address of record with the Agency (1126 Marine Drive, Astoria, Oregon 97103). The *Notice of Intent* was also mailed to Fabrique by regular first-class mail to the above address in a handwritten envelope. And *The Notice of Intent* was emailed to Fabrique at her email address of record.

1.2 The email was not returned as undeliverable.

1.3 Neither the certified mailings nor the first-class mailings 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 Fabrique’s last known address of record with the Agency was 1126 Marine Drive, Astoria, Oregon 97103.

2.3 A certified mailing of the *Notice of Intent* was mailed to Fabrique at her last known address of record on June 5, 2025. The certified mailing of the notice has not been returned to the Agency.

2.4 The notice was also mailed regular first-class mail in a handwritten envelope to the above address for Fabrique. The mailing in the handwritten envelope has 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.

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

2.6 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.

2.7 As noted in section 9 of the *Notice of Intent to Revoke License No. PM.201239101 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 Fabrique and all information in the administrative file relating to the mailing of notices and any responses received.

### **FINDINGS OF FACT**

#### 3.

3.1 Fabrique was licensed as a property manager with Nest Property Management in September 2022. Fabrique failed to renew her registered business license by the deadline of March 31, 2025, thereby her property manager license became inactive on May 2, 2025.

3.2 A review of the website for Nest Property Management references Fabrique as the only individual associated with that business conducting professional real estate activity. As of June 4, 2025, the website About Us page advertises the following: "Nest is all-in when it comes to managing or renting you a property." Additionally, the website advertises, "Whether your needs are residential, commercial, or vacation rentals, let Nest guide you home."

3.3 On January 10, 2025, Nest Property Management was notified that clients' trust account ending in 8192 (CTA #8192), which holds owner funds, had been selected for reconciliation review. CTA #8192 was the only CTA registered with the Agency for Nest Property Management. The CTA monthly reconciliation documents for November 2024 were requested.

3.4 Within 10 business days, Fabrique was asked to submit the following reconciliation documents for CTA #8192 to the Agency:

- Trust account reconciliation
- Bank statement
- Receipts and disbursements journal or check register

- List of outstanding checks, withdrawals, transfers, and deposits
- List of ledger balances
- Copy of the “Notice of Clients’ Trust Account and Authorization to Examine” form.

3.5 On January 21, 2025, the Agency received a complaint from property owner Kim Gonzales (Gonzales) against Fabrique. Gonzales alleged that in 2024, she did not receive disbursements for two months. Gonzales wrote that when she contacted Fabrique about this, Fabrique attempted to resolve but made errors which led to a check being returned due to insufficient funds. Gonzales hired a bookkeeper who discovered multiple late fees and returned payment fees from vendors. Gonzales further explained that the late fees were then charged to her.

3.6 Gonzales terminated her Property Management Agreement (PMA) with Nest Property Management on January 17, 2025. Gonzales wrote that Fabrique was holding \$23,600.00 in security deposit funds and \$16,700.00 in rent, in addition to reserve funds for each property.

3.7 The Agency received owner statements from Gonzales which showed owner disbursements for three properties dated November 22, 2024. The disbursements were identified as payments for September and October 2024, in the amount \$6,921.26, \$12,464.66, and \$2,472.06, for a total of \$21,857.98 issued with check #1002. Check #1002 was returned for insufficient funds.

3.8 On January 29, 2025, Fabrique provided a response to the Agency regarding the complaint received. Fabrique wrote, “The properties belonging to the owner require upwards of \$1,000 of reserves to be held monthly due to the bill cycle of all of her properties (two 4-plexes, one duplex), but we only held \$500 per property. Nest PM was responsible for paying bills throughout the distribution cycle and this left us without funds to pay until funds were replenished from the new rent cycle. Her typical pay date was the 25th (+/- 3 days) and besides the months of October and November of 2024, this was always completed unless otherwise discussed with her. The error that occurred between October and November was due to software that we have used for the last 12+ months (Appfolio) not accurately pulling her draw amounts and it was never fixed. As

soon as this was realized, Nest fixed the issue and unfortunately an NSF check came back to us, as it was a check that was issued from Nest's corporate account and not our Operating Client Trust account..." The Agency opened an investigation.

3.9 On February 7, 2025, because the Agency did not receive the November 2024 monthly CTA reconciliation documents, Agency Compliance Specialist Helen Wilson sent a follow-up email to Fabrique regarding the request. Wilson then requested the documents be submitted to the Agency by February 14, 2025. The Agency did not receive a response from Fabrique.

3.10 On February 18, 2025, Wilson sent a follow up email to Fabrique and a demand for records. The Agency did not receive a response from Fabrique.

3.11 On February 19, 2025, Agency Investigator Cidia Nañez (Nañez) sent an email to Fabrique inquiring why she had not responded to the Agency's request for documentation. Nañez followed up with Fabrique via text message on February 25, 2025, requesting Fabrique respond, as the Agency had made several attempts to contact her that had gone unanswered. Nañez did not receive a response from Fabrique.

3.12 On March 21, 2025, the Agency attempted to deliver a subpoena to Fabrique, but service was unsuccessful. Agency Investigator Aaron Grimes (Grimes) left a voicemail for Fabrique on the phone number registered with the Agency requesting a call back. No response was received from Fabrique.

3.13 On March 31, 2025, the Agency received a complaint from property owner Melva Murphy (Murphy) against Fabrique. Murphy alleged that Fabrique had been late disbursing funds for several months and owner payments for December 2024 and March 2025 had been returned due to insufficient funds.

3.14 In her complaint, Murphy wrote that she submitted a 10-day notice of termination on January 8, 2025. Murphy further explained that they spoke with Fabrique on January 9, 2025, and was told that all future checks would be deposited on the 10th of each month.

3.15 In March 2025, Murphy contacted Fabrique regarding a payment that was nine days late. The check in the amount of \$5,616.00 had been returned for insufficient funds.

3.16 On April 1, 2025, the Agency emailed Fabrique requesting a response to this complaint. The Agency followed up on April 8, 2025. No response was received from Fabrique. The Agency opened a second investigation.

3.17 On April 4, 2025, due to the failure to respond to the Agency's reconciliation review the Agency opened a third investigation for Fabrique's failure to respond to the Agency and provide clients' trust account reconciliation records, as required.

3.18 On April 14, 2025, Grimes interviewed former property owners Jennifer and Jeff Canessa (the Canessas), whose property was managed by Fabrique. The Canessas provided Grimes with bank records, including copies of a check payment from Fabrique that could not be deposited due to insufficient funds.

3.19 A check in the amount of \$45,289.20 was returned due to insufficient funds on August 21, 2024, and the property owners were charged a 'NSF Fee.'

3.20 On April 30, 2025, the Agency received a complaint from Kelly Wright SR (Wright), the guardian of a property owner. The complaint alleged that they did not receive a disbursement by the due date in March 2025. Wright wrote that they called Fabrique and left a voicemail. The payment in the amount of \$1,724.25 was deposited on March 31, 2025. On April 8, 2025, the funds were removed from the owner's account for insufficient funds.

3.21 Wright wrote that they had not yet received their April 2025 distribution, and Fabrique had not responded to texts, phone calls, or emails for a couple of months.

3.22 On May 1, 2025, the Agency emailed Fabrique requesting a response to this complaint. The Agency followed up on May 8, 2025. No response was received from Fabrique. The Agency opened a fourth investigation.

3.23 On May 5, 2025, Agency Investigator Aaron Grimes sent an email to Fabrique requesting the following records:

- Bank records, including backing ledgers of funds managed for Gonzales and backing ledgers of security deposits managed for tenants of Gonzales, from the beginning of 2024 until the current month (or until you ceased managing the property and transferred funds).
- Bank records, including backing ledgers of funds managed for Murphy and backing ledgers of security deposits managed for tenants of Murphy, from the

beginning of 2024 until the current month (or until you ceased managing the property and transferred funds).

- Bank records for all bank accounts not previously disclosed to the Agency.

3.24 Grimes gave Fabrique a May 6, 2025, deadline for submitting the requested records.

3.25 The Agency neither received a response from Fabrique nor received the requested records.

3.26 On May 15, 2025, the Agency received a complaint from property owner Vanessa Alleruzzo (Alleruzzo) regarding Fabrique. Alleruzzo wrote that Fabrique owes them \$10,080.00 from rent collected from property they own.

3.27 On May 16, 2025, the Agency emailed Fabrique requesting a response to this complaint. No response was received from Fabrique. The Agency opened a fifth investigation.

3.28 Real estate licensees are required to maintain and produce records to the Agency. Fabrique's failure to produce records that she is required to maintain and provide to the Agency when requested demonstrates incompetence in Fabrique's performance of professional real estate activity.

**(1) Violation:** Fabrique failed to renew her registered business name with the Agency, causing her property manager license to become inactive. The website for Nest Property Management references Fabrique as the sole licensee associated with the business as of June 4, 2025, and advertises services for residential property management, in violation of ORS 696.301(3) as it incorporates ORS 696.020(2) 2023 Edition, which states: (2) an individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state unless the individual holds an active license as provided for in this chapter.

A licensee who engages in professional real estate activity after the licensee has failed to renew a license is subject to civil penalty per ORS 696.990(4)(a)(b)(9) 2023 Edition, which states: (4) any person that violates ORS 696.020 (2) may be required by the Real Estate Commissioner to forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount determined by the commissioner of: (a) Not less than \$1,000 nor more than \$2,500 for the first offense of unlicensed professional real estate activity; and (b) Not less than \$2,500 nor

more than \$5,000 for the second and subsequent offenses of unlicensed professional real estate activity; (9) for the purposes of subsection (4) of this section, any violation of ORS 696.020 (2) that results from a failure of a real estate licensee to renew a license within the time allowed by law constitutes a single offense of unlicensed professional real estate activity for each 30-day period after expiration of the license during which the individual engages in professional real estate activity. A civil penalty imposed for a violation of ORS 696.020 (2) that results from a failure of a real estate licensee to renew a license within the time allowed by law is not subject to the minimum dollar amounts specified in subsection (4) of this section.

**(2) Violation:** By disbursing funds from a clients' trust account when there was not sufficient funds to do so, Fabrique violated ORS 696.301(3) and its implementing rule OAR 863-025-0027(3) 1/1/2024 Edition, which states: (3) a property manager must not disburse funds from a clients' trust account or security deposits account unless there are sufficient funds, as defined in OAR 863-025-0010, in the ledger account against which the disbursement is made.

**(3) Violation:** Fabrique repeatedly issued checks to property owners which were returned due to insufficient funds. This is grounds for discipline under ORS 696.301(14) 2023 Edition, which states a licensee's real estate license may be disciplined who has (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.

**(4) Violation:** By failing to provide property management records, as requested by the Agency, Fabrique violated ORS 696.301(3) as it incorporates ORS 696.280(3)(4)(c)(d) 2023 Edition, which states: (3) records maintained under this section must at all times be open for inspection by the Real Estate Commissioner or the commissioner's authorized representatives; (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.



In addition, Fabrique violated ORS 696.301(3) and its implementing rule OAR 863-025-0035(2)(a)(b)(c) 1/1/2025 Edition, which 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.

Fabrique is subject to civil penalty under ORS 696.990(6)(a)(b) 2023 Edition, which states: (6)(a) except as provided in paragraph (b) of this subsection, a real estate 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 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) a civil penalty imposed under this subsection may not exceed \$10,000.

3.29 A review of the records provided by the Canessas showed funds were disbursed from an account not registered with the Agency.

3.30 A review of the Agency's online licensing database shows that Fabrique has one registered clients' trust account. A clients' trust account holding security deposits has not been disclosed to the Agency.

**(5) Violation:** By failing to open and maintain a clients trust account – security deposit account, Fabrique violated ORS 696.301(3) as it incorporates ORS 696.245(2)(a)(b)(c)(d)(e) 2023 Edition, which states: (2) within 10 business days from the date a clients' trust account is opened, a licensed real estate property manager or principal real estate broker shall notify the Real Estate Agency that the account has been opened. The notice must include information about the clients' trust account, including but not limited to: (a) the name of the bank where the

account is located; (b) the account number; (c) the name of the account; (d) the date the account was opened; and (e) an acknowledged copy of the notice described in subsection (1) of this section.

In addition, Fabrique violated ORS 696.301(3) and its implementing rule OAR 863-025-0025(3)(6) 1/1/2025 Edition, which states: (3) within 10 business days from the date a clients' trust account is opened, the property manager must notify the Agency using an online process established by the Agency. The notification will include the information required in ORS 696.245, including a copy of the completed and signed "Notice of Clients' Trust Account and Authorization to Examine"; (6) except as provided in OAR 863-025-0065, a property manager who receives security deposits on behalf of an owner must open and maintain a security deposits account, as defined in OAR 863-025-0010, that is separate from the property manager's clients' trust account.

3.31 On May 12, 2025, Agency Case Resolution Coordinator Amanda Moser emailed the current property manager for Gonzales, Christina Sowins (Sowins), inquiring if all obligated funds (owner funds and tenant security deposit funds) had been disbursed from Nest Property Management to Sowins Property Management. Gonzales terminated their property management agreement with Nest Property Management on January 17, 2025.

3.32 Sowins responded to the email writing, "No. To our knowledge, Ms. Gonzalez has only received \$14,100 out of \$24,100 of her security and pet deposits, which were transferred directly to her. That leaves at least \$10,000 outstanding in security deposits."

**(6) Violation:** By failing to disburse funds upon termination of a property management agreement within 60 days, Fabrique violated ORS 696.301(3) and its implementing rule OAR 863-025-0070(2))a)(b)(A)(B)(C)(D) 1/1/2025 Edition, which states: (2) not later than 60 days after the effective date of the termination, the property manager must: (a) Disburse all obligated funds to the party or parties entitled to the funds; (b) Provide the owner with the following: (A) A final accounting of the owner's ledger account; (B) All funds belonging to the owner as shown on the owner's ledger, unless the owner directs the property manager, in writing, to transfer the funds to another property manager, escrow agent or person; (C) An accounting of all security deposits and fees held for tenants; and (D) All tenant security deposits and fees held for tenants, unless the owner directs the property manager, in writing,

to transfer the security deposits and fees to another property manager, escrow agent or person.

3.33 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 standard of care for the practice of professional real estate activity in Oregon.

**(7) Violation:** Based on the foregoing, Fabrique is subject to discipline under ORS 696.301(12)(15) (2023 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; and (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.

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

##### 4.

4.1 ORS 696.301(1) to (15) sets out the grounds of discipline for which the Real Estate Commissioner may suspend, revoke, reprimand or deny the issuance or renewal of a license to an applicant. ORS 696.301(3), (12),(14) and (15) provides that the Commissioner may revoke a licensee's real estate license 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; (12) have demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license; (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; and (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.

4.2 ORS 696.396(2)(c)(B) and (C). According to ORS 696.396(2)(c)(B) and (C) 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; or (C) exhibits dishonesty or fraudulent conduct.

4.3 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.

4.4 ORS 696.020(2) 2023 Edition states an individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state unless the individual holds an active license as provided for in this chapter.

4.5 According to ORS 696.990(4)(a)(b) and (9) 2023 Edition, any person that violates ORS 696.020(2) may be required by the Real Estate Commissioner to forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount determined by the commissioner of (a) not less than \$1,000.00 nor more than \$2,500.00 for the first offense of unlicensed professional real estate activity; and (b) not less than \$2,500.00 nor more than \$5,000.00 for the second and subsequent offenses of unlicensed professional real estate activity; (9) for the purposes of subsection (4) of this section, any violation of ORS 696.020 (2) that results from a failure of a real estate licensee to renew a license within the time allowed by law constitutes a single offense of unlicensed professional real estate activity for each 30-day period after expiration of the license during which the individual engages in professional real estate activity. A civil penalty imposed for a violation of ORS 696.020 (2) that results from a failure of a real estate licensee to renew a license within the time allowed by law is not subject to the minimum dollar amounts specified in subsection (4) of this section.

4.6 ORS 696.990(6)(a) states a real estate 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. ORS 696.990(6)(b) states a civil penalty imposed under this subsection may not exceed \$10,000.00.

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 Fabrique's license became inactive on May 2, 2025. The website for Nest Property Management references Fabrique as the only individual associated with that business conducting professional real estate activity. As of June 4, 2025, the website advertises services for residential property management.

5.2 Fabrique failed to provide property management records, as requested by the Agency.

5.3 Fabrique failed to register clients' trust accounts with the Agency.

5.4 Fabrique failed to distribute obligated funds after the termination of a property management agreement.

5.5 Fabrique disbursed funds from a clients' trust account which had insufficient funds, resulting in a NSF fee.

5.6 Fabrique's complete failure to produce the records constitutes grounds to impose a civil penalty in an amount up to \$10,000.00 as per ORS 696.990(6)(a) and (b).

5.7 The facts above establish grounds to impose a civil penalty in an amount up to \$1,000.00 as per ORS 696.990(4)(a)(b)(9).

5.8 In summary, the facts above establish grounds to revoke Fabrique's property manager license and impose a civil penalty in an amount up to \$11,000.00.

### **CONCLUSIONS OF LAW**

#### **6.**

6.1 Pursuant to ORS 183.417(4) and OAR 137-003-0670 Fabrique 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.201239101 and to Assess a Civil Penalty* and ORS 696.396(2)(c)(B) and (C).

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

6.4 Specifically, Fabrique is subject to discipline pursuant to ORS 696.301(3), (12), (14), 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; (14) committing an act of fraud or engaging 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; 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 Fabrique's property manager license is appropriate for violations of ORS 696.301(3), (12), (14), and (15).

6.6 A revocation of Fabrique'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 suspend 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; and (C) exhibits dishonesty or fraudulent conduct.

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

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

6.9 Pursuant to ORS 696.775 the expiration/lapsing of Fabrique'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:** Fabrique failed to renew her registered business name with the Agency, causing her property manager license to become inactive. The website for Nest Property Management references Fabrique as the sole licensee associated with the business as of June 4, 2025, and advertises services for residential property management, in violation of ORS 696.301(3) as it incorporates ORS 696.020(2) 2023 Edition, which states: (2) an individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state unless the individual holds an active license as provided for in this chapter.

A licensee who engages in professional real estate activity after the licensee has failed to renew a license is subject to civil penalty per ORS 696.990(4)(a)(b)(9) 2023 Edition, which states: (4) any person that violates ORS 696.020 (2) may be required by the Real Estate Commissioner to forfeit and pay to the General Fund of the State Treasury a civil penalty in an amount determined by the commissioner of: (a) Not less than \$1,000 nor more than \$2,500 for the first offense of unlicensed professional real estate activity; and (b) Not less than \$2,500 nor more than \$5,000 for the second and subsequent offenses of unlicensed professional real estate activity; (9) for the purposes of subsection (4) of this section, any violation of ORS 696.020 (2) that results from a failure of a real estate licensee to renew a license within the time allowed by law constitutes a single offense of unlicensed professional real estate activity for each 30-day period after expiration of the license during which the individual engages in professional real estate activity. A civil penalty imposed for a violation of ORS 696.020 (2) that results from a failure of a real estate licensee to renew a license within the time allowed by law is not subject to the minimum dollar amounts specified in subsection (4) of this section.

**(2) Violation:** By disbursing funds from a clients' trust account when there was not sufficient funds to do so, Fabrique violated ORS 696.301(3) and its implementing rule OAR 863-025-0027(3) 1/1/2024 Edition, which states: (3) a property manager must not disburse funds from a clients' trust account or security deposits account unless there are sufficient funds, as defined in OAR 863-025-0010, in the ledger account against which the disbursement is made.

**(3) Violation:** Fabrique repeatedly issued checks to property owners which were returned due to insufficient funds. This is grounds for discipline under ORS 696.301(14) 2023 Edition, which states a licensee's real estate license may be disciplined who has (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.

**(4) Violation:** By failing to provide property management records, as requested by the Agency, Fabrique violated ORS 696.301(3) as it incorporates ORS 696.280(3)(4)(c)(d) 2023 Edition, which states: (3) records maintained under this section must at all times be open for inspection by the Real Estate Commissioner or the commissioner's authorized representatives; (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.

In addition, Fabrique violated ORS 696.301(3) and its implementing rule OAR 863-025-0035(2)(a)(b)(c) 1/1/2025 Edition, which 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.

Fabrique is subject to civil penalty under ORS 696.990(6)(a)(b) 2023 Edition, which states: (6)(a) except as provided in paragraph (b) of this subsection, a real estate 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 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) a civil penalty imposed under this subsection may not exceed \$10,000.

**(5) Violation:** By failing to open and maintain a clients trust account – security deposit account, Fabrique violated ORS 696.301(3) as it incorporates ORS 696.245(2)(a)(b)(c)(d)(e) 2023 Edition, which states: (2) within 10 business days from the date a clients’ trust account is opened, a licensed real estate property manager or principal real estate broker shall notify the Real Estate Agency that the account has been opened. The notice must include information about the clients’ trust account, including but not limited to: (a) the name of the bank where the account is located; (b) the account number; (c) the name of the account; (d) the date the account was opened; and (e) an acknowledged copy of the notice described in subsection (1) of this section.

In addition, Fabrique violated ORS 696.301(3) and its implementing rule OAR 863-025-0025(3)(6) 1/1/2025 Edition, which states: (3) within 10 business days from the date a clients’ trust account is opened, the property manager must notify the Agency using an online process established by the Agency. The notification will include the information required in ORS 696.245, including a copy of the completed and signed “Notice of Clients’ Trust Account and Authorization to Examine”; (6) except as provided in OAR 863-025-0065, a property manager who receives security deposits on behalf of an owner must open and maintain a security deposits account, as defined in OAR 863-025-0010, that is separate from the property manager's clients' trust account.

**(6) Violation:** By failing to disburse funds upon termination of a property management agreement within 60 days, Fabrique violated ORS 696.301(3) and its implementing rule OAR 863-025-0070(2))a)(b)(A)(B)(C)(D) 1/1/2025 Edition, which states: (2) not later than 60 days after the effective date of the termination, the property manager must: (a) Disburse all obligated funds to the party or parties entitled to the funds; (b) Provide the owner with the following: (A) A final accounting of the owner's ledger account; (B) All funds belonging to the owner as shown on the owner's ledger, unless the owner directs the property manager, in writing, to transfer the funds to another property manager, escrow agent or person; (C) An accounting of all security deposits and fees held for tenants; and (D) All tenant security deposits and fees held for tenants, unless the owner directs the property manager, in writing, to transfer the security deposits and fees to another property manager, escrow agent or person.

**(7) Violation:** Based on the foregoing, Fabrique is subject to discipline under ORS 696.301(12)(15) (2023 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; and (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.

6.11 Revocation of Fabrique's property manager license is appropriate under ORS 696.396(2)(c)(B) and (C).

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ORDER

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

IT IS FURTHER ORDERED that, pursuant to ORS 696.990(4)(a)(b)(9) and ORS 696.990(6)(a)(b) and based upon the violations set forth above, Fabrique pay a civil penalty of \$11,000.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to OREA.

Dated this 8th day of July, 2025.

OREGON REAL ESTATE AGENCY

Signed 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.