

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

THOMAS L. HOWELL



FINAL ORDER BY DEFAULT

**PROCEDURAL HISTORY AND PROCEDURAL LAW**

1.

1.1 On February 17, 2026, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Revoke License No. PB.780900142 the real estate principal broker license* of Thomas Howell (Howell). The Oregon Real Estate Agency (Agency) sent the *Notice of Intent to Revoke* to Howell’s last known address of record with the Agency (14490 S Kelmsley Dr, Oregon City, OR 97045). *The Notice of Intent to Revoke* was sent to an additional address of record with the Agency (333 S State St, Ste V226, Lake Oswego, OR 97034). *The Notice of Intent to Revoke* was also mailed to Howell by regular first-class mail to both of the above addresses in a handwritten envelope. And *The Notice of Intent to Revoke* was emailed to Howell at his email address of record.

1.2 The email was not returned as undeliverable.

1.3 On February 25, 2026, The Agency received the certified return receipt from the February 17, 2026, mailing to 333 S State St, Ste V226, Lake Oswego, OR 97034. The receipt was signed by Matt Dawson. Additionally, the Agency received the certified return receipt from the mailing to 14490 S Kelmsley Dr. Oregon City, OR 97045. The Agency was unable to determine the signature on the receipt. Neither of 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 to Revoke*, 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 Howell's last known address of record with the Agency was 14490 S Kelmsley Dr, Oregon City, OR 97045.

2.3 A certified mailing of the *Notice of Intent to Revoke* was mailed to Howell at his last known address of record on February 17, 2026. The Agency received the certified return receipt and was unable to determine the signature on the receipt.

2.4 The *Notice of Intent to Revoke* was mailed certified to another possible address for Howell at 333 S State St, Ste V226, Lake Oswego, OR 97034. The Agency received the certified return receipt signed by Matt Dawson.

2.5 The notice was also mailed regular first-class mail in a handwritten envelope to both of the above possible addresses for Howell. The mailings in the handwritten envelope

have 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.

2.6 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*, 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 Howell and all information in the administrative file relating to the mailing of notices and any responses received.

### **FINDINGS OF FACT**

#### 3.

3.1 Howell was licensed as a principal broker in 2010 and associated his license with Keystone Realty Group Oregon at the time of his licensing. Howell failed to renew his registered business by the deadline of December 1, 2025, thereby his principal broker license became inactive on January 1, 2026.

3.2 On August 11, 2025, Howell self-reported a criminal conviction to the Agency. In his email to the Agency, Howell wrote that he was "...convicted this year of transferring funds in the state of Arizona without a proper license." Howell included that he paid a fine of \$132,000.00 and may be sentenced to prison.

3.3 On October 22, 2025, Agency Investigator Cidia Nañez (Nañez) requested Howell provide additional information and documentation for the conviction he had reported to the Agency. Howell responded that he would “gather the information.” On October 27, 2025, Nañez followed up with Howell, and he responded that he was still working on it.

3.4 Howell did not provide a description of the circumstances surrounding his conviction or provide a copy of the sentencing order.

#### **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: ORS 696.301(3) which 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(11) states a licensee’s real estate license can be disciplined if they have been convicted of a felony or misdemeanor substantially related to the real estate licensee’s trustworthiness or competence to engage in professional real estate activity.

4.3 ORS 696.301(12) states a licensee’s real estate license can be disciplined if they have demonstrated incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license.

4.4 ORS 696.301(15) states a licensee’s real estate license can be disciplined if they have 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.

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

### **ULTIMATE FINDINGS OF FACT**

5.

5.1 Howell failed to report a criminal conviction to the Agency within the required timeframe and failed to provide a copy of the judgment and a copy of the sentencing order.

5.2 In summary, the facts above establish grounds to revoke Howell's principal broker license.

### **CONCLUSIONS OF LAW**

6.

6.1 Pursuant to ORS 183.417(4) and OAR 137-003-0670 Howell 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*. ORS 696.396(1),(2)(c)(B).

6.3 Based on these violations, the Agency may revoke Howell's principal broker license.

6.4 Specifically, Howell is subject to discipline pursuant to ORS 696.301(3),(11),(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; (11) having been convicted of a felony or misdemeanor substantially related to the real estate licensee's trustworthiness or competence to engage in professional real estate activity; (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 Howell's principal broker license is appropriate for violations of ORS 696.301(3), (11), (12), and (15).

6.6 A revocation of Howell's principal broker 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 Howell's principal broker license.

6.8 The Agency may therefore revoke Howell's principal broker license.

6.9 Pursuant to ORS 696.775 the expiration of Howell'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 report a criminal conviction to the Agency within the required timeframe, and failing to provide a copy of the judgment and a copy of the sentencing order, Howell violated ORS 696.301(3) and its implementing rule OAR 863-015-0175(1)(a)(b)(c)(3)(4) 1/1/2025 Edition, which states: (1) A real estate licensee must notify the Commissioner of the following: (a) Any criminal conviction (felony or misdemeanor), including a "no contest" plea or bail forfeiture; (b) Any adverse decision or judgment resulting from any civil or criminal suit or action or arbitration proceeding or any administrative or Oregon State Bar proceeding related to the licensee in which the licensee was named as a party and against whom allegations concerning any business conduct or professional real estate activity is asserted; (c) Any adverse decision or judgment resulting from any other criminal or civil proceeding that reflects adversely on the "trustworthy and competent" requirements contained in ORS Chapter 696 and its implementing rules; (3) The notification required by this rule must be in writing and must include a brief description of the circumstances involved, the names of the parties, and a copy of the adverse decision, judgment, or award and, in the case of a criminal conviction, a copy of the sentencing order. If any such judgment, award, or decision is appealed, each subsequent appellate court decision is subject to this rule's notification requirements; (4) The notification required by this rule must be made within twenty 20 calendar days after receiving written notification of an adverse judgment, award, or decision described in this rule. Notification must be made under this rule whether or not the decision is appealed.

6.11 Revocation of Howell's principal broker license is appropriate under ORS 696.396(2)(c)(B).

ORDER

IT IS HEREBY ORDERED that Thomas Howell's principal broker license is revoked.

Dated this 19th day of March, 2026.

OREGON REAL ESTATE AGENCY

Signed by:  
*Steve Strode*  
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Steven Strode  
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.