REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

TY R. OLSON

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (OREA) and Ty R. Olson (Olson) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.1 Olson was licensed as a broker with Birtola Garmyn High Desert Realty (HDR) from June 19, 2013 until January 17, 2015. Olson was then associated with Fred Real Estate Group, LLC (Fred RE) from January 20, 2015, until May 27, 2015. Currently, Olson is associated with Allison James Estates and Homes of Oregon LLC.

1.2 On January 27, 2015, OREA received a complaint from James Birtola (Birtola) alleging that Olson performed real estate activity while unlicensed and terminated a transaction which started at HDR, and continued to work on it with a new company.

1.3 On February 19, 2015, OREA opened an investigation.

1.4 With the complaint Birtola provided a copy of his transaction file for property 2337 SW Volcano Ave, Redmond, OR (subject property). The buyer of the property, Nick Watts (Watts), had been working with Olson before he left HDR. The first purchase and sale agreement (agreement #1) showed Olson as the selling licensee, and HDR as his real estate firm.

1.5 Within the transaction file was a termination agreement dated January 17, 2015, the day Olson left HDR.
1.6 Birtola also provided a version of the sale agreement (agreement #2), completed while Olson was associated with Fred RE. Agreement #2 listed Fred RE as Olson’s real estate firm and had different dates within it for numerous initials and signatures as follows:

- Page 1. Watts’ signature and initials 1/18/2015. The signature date was printed on the form, indicating the date was put there by Olson.
- Page 3. Watts’ initials dated 1/19/2015.
- Pages 5, 6, 7, and 8 Watts’ initials dated 1/18/2015.
- Pages 9 and 10 Watts’ signature and initials dated 1/18/2015
- Addenda S-1, S-2 Watts’ signature dated 1/18/2015

1.7 After the termination for agreement #1 was signed, on January 17, 2015, Olson’s license was disassociated with HDR causing his license to go into inactive status. His license was not made active until Tuesday, January 20, 2015, when his license was associated with Fred RE. In an email to Investigator/Auditor Peter Bale (Bale), Olson wrote, “My license was never actually revoked from HDR until Tuesday the 20th because the 19th was a holiday; my license was then transferred to Fred on the 20th.”

Violation: By working with buyer Watts on the agreement #2 for the purchase of the subject property on January 18, and/or January 19, 2015, while his license was inactive, Olson violated ORS 696.020(2) (2013 Edition), which 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 license, within this state unless the individual holds an active license.

1.8 On January 17, 2015, Olson submitted a termination for agreement #1 to HDR, signed by Watts concerning his purchase of the subject property. Olson explained in the investigation that the lender needed a revised contract on the deal. After Olson left HDR, he continued to work with Watts with his subsequent purchase of the subject property, without a written referral agreement with HDR.

Violation: Watts violated ORS 696.301(6) (2013 Edition), which states that OREA may discipline a real estate licensee who has intentionally interfered with the contractual relations of others concerning real estate or professional real estate activity.
1.9 After Olson moved to Fred RE, portions of Watts’ agreement #1 were updated and were finalized as agreement #2. When Bale reviewed agreement #2 he found the following: in section 41, concerning the agreement to purchase, the expiration date for the offer was December 30, 2014 (which was when Olson was with HDR). The date Watts signed the section was 1/18/2015, which would indicate the offer had expired before it was signed by Watts.

Violation: By allowing the expiration date to be December 30, 2014, on Watts’ agreement #2, when the offer was not signed by Watts until January 18, 2015, Olson violated ORS 696.810(3)(a) (2013 Edition) which states, “A buyer’s agent owes the buyer involved in a real estate transaction the following affirmative duties: (a) to exercise reasonable care and diligence.”

2.

2.1 OREA reserves the right to investigate and pursue additional complaints that may be received in the future regarding this licensee.

STIPULATION & WAIVER

I have read and reviewed the above findings of fact and conclusions of law which have been submitted to me by OREA and further, the order which follows hereafter. I understand that the findings of fact, conclusions of law and this stipulation and waiver embody the full and complete agreement and stipulation between OREA and me. I further understand that if I do not agree with this stipulation I have the right to request a hearing on this matter and to be represented by legal counsel at such a hearing. Hearings are conducted in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. I freely and voluntarily waive my rights to a hearing, to representation by legal counsel at such a hearing, and to judicial review of this matter.

I hereby agree and stipulate to the above findings of fact and conclusions of law and understand that the order which follows hereafter may be completed and signed by the Real Estate Commissioner or may be rejected by the Real Estate Commissioner, in which case an amended notice of intent may be issued in this matter. I 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.
ORDER

IT IS HEREBY ORDERED that Olson’s broker license be, and hereby is, reprimanded.

IT IS SO STIPULATED: ________________________________

TY R. OLSON

Date 3/25/14

IT IS SO ORDERED:

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GENE BENTLEY
Real Estate Commissioner

Date 4/6/14

DATE of service: 4/16/2016