REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Principal Broker License
and Broker License Application of
LUCINDA G. CHAPMAN

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Lucinda G. Chapman (Chapman) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Chapman was licensed as a principal broker working under the registered business name Oregon Coast Properties.

1.2 On October 17, 2016, the Agency received a complaint alleging Chapman had been listing properties without owner authorization. A second complaint regarding Chapman was received on October 20, 2016.

1.3 On March 15, 2017, the Agency opened an investigation. The investigation focused on four separate property listings:

720 SW 6th St Unit 208 Newport, Oregon:

1.4 Chapman signed a listing agreement with property owners George and Karen Mpitsos (the Mpitsos). Karen Mpitsos signed and dated the listing agreement on September 15, 2010. The agreement stated an expiration date of September 9, 2011. Chapman signed the agreement on September 16, 2010. George Mpitsos did not sign the agreement, but appeared to initial the first page of the agreement.

1.5 The listing agreement stated, "No extension or renewal of the agreement shall be effective unless it is in writing, signed by SELLER and PRINCIPAL BROKER."
Sometime around May 17, 2011, Chapman printed a copy of the ad for the property from Lincoln County MLS. Chapman wrote on the ad, “Please extend to 2-28-2012.” She initialed the document twice and George Mpitsos signed it once. It appears the “2-28-2012,” date was changed to “2-28-2013” and then to “2-28-2017.” Karen Mpitsos did not sign any document relating to an extension of the listing agreement.

The MLS history shows Chapman extended the listing multiple times from 2012-2016. The listing was cancelled on September 26, 2016.

Chapman was unable to produce anything else in writing specifically pertaining to the extensions. She said some of the extensions were done verbally.

**Violation:** By continuing to advertise the property and extend the listing without written consent of the owners over multiple years, Chapman violated ORS 696.301(3) as it incorporates OAR 863-015-0125(2)(e) (9-1-11, 9-14-2012 and 5-15-2014 Editions), which requires advertising be done only with the written permission of the property owner(s) or owner(s) authorized agent.

On July 23, 2014, Lillie and Patrick Fishers (Fishers) signed and dated a listing agreement with Chapman. The expiration date was July 22, 2015. Chapman failed to sign the listing agreement, however, she did initial and date, “7/23/14” on the second page of the agreement.

**Violation:** By failing to sign the listing agreement, Chapman violated ORS 696.301(3) as it incorporates OAR 863-015-0130(2)(d) (5-15-14 Edition), which requires listing agreements to be signed by all parties to the agreement.

The listing agreement stated, “No extension or renewal of the agreement shall be effective unless it is in writing signed by “SELLER” and “PRINCIPAL BROKER.”

Chapman extended the listing on MLS on July 18, 2015, and again later on July 15, 2016 she extended the listing to July 22, 2017.

Chapman provided another copy of the listing agreement, stating an expiration date of July 22, 2015. This copy was not signed by the Fishers, however notations with their initials were on the document. On July 22, 2017, Chapman signed and dated this copy of the listing contract.
1.13 Chapman could not provide anything specifically showing the Fishers' written agreement to extend the listing of their property past the expiration date of July 22, 2015.

1.14 From February 10, 2016, to July 22, 2017, Chapman continued to have the Fishers' property listed without their written authorization to do so.

Violation: By failing to obtain signatures of all parties on an updated listing agreement and continuing to advertise the property and extend the listing without written consent of the owners, Chapman violated ORS 696.301(3) as it incorporates OAR 863-015-0125(2)(e) (5-15-2014 and 11-15-2016 Editions), which requires advertising be done only with the written permission of the property owner(s) or owner(s) authorized agent.

56 B NW 33rd St Newport, Oregon

1.15 On January 17, 2010, Nicolas and Patricia Watt (Watts) signed a listing agreement. The expiration date on the listing was September 14, 2012. The listing agreement stated, "No extension or renewal of the agreement shall be effective unless it is in writing and signed by SELLER and PRINCIPAL BROKER."

1.16 MLS records show Chapman extended the listing multiple times over the years, the last extension took place in December 28, 2015, extending the listing to December 31, 2016.

1.17 Chapman did not provide anything during the investigation that showed the Watts' written agreement to extend the listing past the expiration date of September 14, 2012.

Violation: By continuing to advertise the property and extend the listing without written permission from the Watts, Chapman violated ORS 696.301(3) as it incorporates OAR 863-015-0125(2)(e) (9-14-2012, and 5-15-2014 Editions), which requires advertising be done only with the written permission of the property owner(s) or owner(s) authorized agent.

1.18 On August 27, 2015, the property was reconveyed to Bank of New York Mellon.

1.19 As of October 3, 2016, an ad for the property stated the price was subject to lender approval of a short sale. It also stated the owner was "Watts" and failed to indicate the property was bank/lender owned.

1.20 Chapman did not have the Bank of New York Mellon's written permission to allow her to list the property after the transfer of ownership.
Violation: By failing to obtain written permission from the property owner to advertise the property for sale after the ownership transfer Chapman violated ORS 696.301(3) as it incorporates OAR 863-015-0125(2)(e) (5-15-2014 Edition).

1.21 Phillip and Karen Griffin (Griffins) signed a listing agreement with Chapman on February 21, 2013. The listing agreement stated an expiration date of September 20, 2013.
1.22 MLS records indicate Chapman had been advertising the property as early as October 28, 2011 (prior to the listing agreement).
1.23 Chapman was unable to provide any written agreement allowing her to list the property prior to February 21, 2013.

Violation: By failing to obtain written permission from the property owners for advertising done prior to February 21, 2013, Chapman violated ORS 696.301(3) as it incorporates OAR 863-015-0125(2)(e) (6-15-10, 4-15-11, 9-1-11, and 9-14-12 Editions), which requires advertising be done only with the written permission of the property owner(s) or owner(s) authorized agent.

1.24 MLS records show the listing was extended several times by Chapman over the years, with the last extension occurring on December 28, 2015, extending the listing to December 31, 2016.
1.25 Chapman was unable to provide any documentation showing written permission from the owners to extend the listing past the expiration date of September 20, 2013.

Violation: By continuing to advertise the property and extending the listing without written permission from the owner, Chapman violated ORS 696.301(3) as it incorporates OAR 863-015-0125(2)(e) (4-1-13, 5-15-2014 Editions), which requires advertising be done only with the written permission of the property owner(s) or owner(s) authorized agent.

1.26 On May 18, 2016, the Griffins listed the property with another broker. During this time, Chapman was still advertising the property without written authorization to do so. Chapman’s listing on MLS was cancelled on September 19, 2016.
Violation: By continuing to advertise the property that was listed with another licensee, Chapman violated ORS 696.301(7) which states a real estate license may be disciplined if the licensee has intentionally interfered with the exclusive representation or exclusive brokerage relationship of another real estate licensee.

1.27 All of the above demonstrates incompetence in performing acts for which Chapman is required to hold a license.

Violation: ORS 696.301(12) (2009-2015 Editions) which states a real estate license can be disciplined if the licensee demonstrated incompetence in performing any act for which the licensee is required to hold a license.

2.

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

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

3.

STIPULATION & WAIVER

I have read and reviewed the above findings of fact and conclusions of law which have been submitted to me by the Agency 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 the Agency 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.

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5 of 7 – Stipulated Final Order- Lucinda Chapman
ORDER

IT IS HEREBY ORDERED that Chapman's principal broker license is hereby surrendered.

IT IS FURTHER ORDERED that Chapman be issued a real estate broker's license, (provided she has completed the broker application and paid the broker licensing fee) with limitations as set forth below:

(a) The limited license term shall be indefinite;
(b) Chapman shall not be convicted of any felony or misdemeanor during the limited license term;
(c) Chapman shall not violate any license law or rule during the limited license term;
(d) Chapman shall be required to give a copy of this Order to any principal broker through whom she is licensed during the limited license term, prior to licensing, and the principal broker shall acknowledge receiving a copy of this Order in writing to the Agency;
(e) The employing principal broker shall immediately notify the Agency of any license law violations by Chapman during the limited license term, and

IT IS FURTHER ORDERED that, should Chapman violate any term or condition of this Order, it may be a basis on which to revoke Chapman's broker license in accordance with ORS 696.301(13).

IT IS FURTHER ORDERED that Chapman complete the 27-hour Broker Advanced Practices course, (detailed in OAR 863-022-0020, 1-1-2018 Edition), within four months from the effective date of this order. Chapman must submit a certificate to the Agency showing completion of the 27-hour Broker Advanced Practice Course. This certificate must be submitted to the Agency no later than 10 days after the education has been completed.
PRINCIPAL BROKER'S ACCEPTANCE

I hereby accept and agree to abide by the foregoing and acknowledge that I have received a copy of the stipulated final order on 8-24-18.

Sherman Leitgeb
Employing Principal Broker (Please print name)

Employing Principal Broker's Signature
License No. 951200011

IT IS SO STIPULATED:

Lucinda Chapman
LUCINDA CHAPMAN
Date 8-24-2018

IT IS SO ORDERED:

DEAN OWENS
Acting Real Estate Commissioner
Date 9/2/2018

Date of Service: 9/7/2018