REAL ESTATE AGENCY

BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

ROSALIE A DIETER

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Rosalie A Dieter (Dieter) do hereby agree and stipulate to the following:

FINDINGS OF FACT

&

CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Dieter was licensed as a principal broker with Blue Chip Properties LLC (BCP).

1.2 On November 25, 2019, the Agency received a written complaint from Mary Boshart (Boshart) against Dieter.

1.3 On September 12, 2019, Boshart entered into a listing agreement with Dieter to sell her real property located at 15721 Highway 101, Brookings, OR, (15721 Highway 101) for the price of $279,000.

1.4 After a few weeks, Boshart agreed to lower the price to $199,000 per Dieter's recommendation.

1.5 Dieter made an offer to purchase 15721 Highway 101. On October 7, 2019, Boshart and Dieter entered into a residential sale agreement in which Dieter represented the buyer (Dieter) and the seller (Boshart) on behalf of BCP.

1.6 When Dieter was unable to obtain satisfactory financing, she contacted Boshart to terminate the sale agreement. Dieter admitted she did not obtain Boshart's signature on the termination agreement. She created an electronic signature for Boshart, entered the signature
on the termination agreement, and submitted the form on October 24, 2019, to the title
company.

1.7 On November 3, 2019, Dieter presented an offer to purchase to Boshart from
James and Wende Caputo (the Caputos) for $195,000. Boshart accepted the offer on the
same date.

1.8 The Caputos could not obtain financing, therefore they terminated the
agreement. Dieter handwrote Boshart's signature on the termination agreement for the
transaction. Dieter admitted she did not obtain Boshart's signature on the termination
agreement.

(1) Violation: By failing to inform Boshart that her signature was required on two
termination agreements and, subsequently, signing Boshart's name on the agreements without
her authorization, Dieter violated ORS 696.301(14) (2019 Edition). Per ORS 696.301(14): The
Real Estate Commissioner may suspend or revoke the real estate license of any real estate
licensee, reprimand any real estate licensee, or deny the issuance or renewal of a license to
an applicant who has 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.

1.9 Dieter admitted she failed to provide signed copies of the residential sale
agreements for either of the above referenced transactions to Boshart.

(2) Violation: By failing to provide signed copies of the residential sale agreements to
Boshart, Dieter violated ORS 696.301(3) as it incorporates OAR 863-015-0135(4) (1-1-18
or counter-offer to purchase real property, the licensee must deliver within three banking days
true, legible copies of the offer or counter-offer, signed by the seller and buyer, to both the
buyer and seller.

1.10 On October 28, 2019, an offer to purchase was submitted to Dieter by broker
Elaine Williams-Smith of Blue Pacific Realty in Brookings, OR for $149,000. Dieter admitted
she did not present the offer to Boshart because Dieter thought the offer was too low.
(3) **Violation:** By failing to present the offer to purchase real estate to Boshart, Dieter violated ORS 696.301(3) as it incorporates OAR 863-015-0135(2) (1-1-18 Edition), ORS 696.805(2)(a) and (b) (2019 Edition), and ORS 696.805(3)(a) and (c) (2019 Edition). Per OAR 863-015-0135(2): A real estate licensee must promptly deliver to the offeror or offeree every written offer or counter-offer the licensee receives. Per ORS 696.805(2)(a) and (b): A seller's agent owes the seller, other principals and the principals' agents involved in a real estate transaction the following affirmative duties: (a) To deal honestly and in good faith; (b) To present all written offers, written notices and other written communications to and from the parties in a timely manner without regard to whether the property is subject to a contract for sale or the buyer is already a party to a contract to purchase. Per ORS 696.805(3)(a) and (c): A seller's agent owes the seller involved in a real estate transaction the following affirmative duties: (a) To exercise reasonable care and diligence; (c) To be loyal to the seller by not taking action that is adverse or detrimental to the seller's interest in a transaction.

2.

2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301. Based on these violations a reprimand is appropriate for violations of ORS 696.301(3) and (14).

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

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

**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. 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.

I agree once the Commissioner executes this stipulated order, I will accept service of the final order by email, and hereby waive the right to challenge the validity of service.

ORDER

IT IS HEREBY ORDERED that the principal broker license of Dieter be, and hereby is, reprimanded.

IT IS SO STIPULATED:

ROSALIE A DIETER

Date 6/9/2020

IT IS SO ORDERED:

STEVEN STRODE
Real Estate Commissioner

Date 6/11/2020 | 7:52 AM PDT

Date of Service: 06/11/2020