



Oregon

Kate Brown, Governor

AGENDA ITEM NO.

I.C.

Real Estate Agency

Equitable Center

530 Center St. NE, Suite 100

Salem, Oregon 97301-2505

Phone: (503) 378-4170

Regulations Fax: (503) 373-7153

Admin. Fax: (503) 378-2491

www.oregon.gov/rea

Notice of Agenda

OREGON REAL ESTATE BOARD

Regular Meeting Agenda - Zoom Videoconference

February 1, 2021

I. BOARD BUSINESS – Chair MacLean

- A. Call to Order
- B. Chair MacLean comments/Roll Call
- C. Approval of the Agenda and Order of Business
- D. Approval of 12.07.20, regular meeting minutes
- E. Date of the Next Meeting: 04.05.21 to begin at 10am via Zoom videoconference

II. PUBLIC COMMENT – Chair MacLean

- This time is set aside for persons wishing to address the Board on matters not on the agenda. Speakers will be limited to five minutes.
- The Board Chair reserves the right to further limit or exclude repetitious or irrelevant presentations. If written material is included, 12 copies of all information to be distributed to board members should be given to the Board Liaison prior to the meeting.
- Action will not be taken at this meeting on citizen comments. The Board, however, after hearing from interested citizens, may place items on a future agenda so proper notice may be given to all interested parties.
- If no one wishes to comment, the next scheduled agenda item will be considered.

III. REQUESTS FOR WAIVERS – Chair MacLean. Waiver request log.

- A. Robert Tessmer
- B. Eric Zechenelly

IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER– Chair MacLean. None.

V. BOARD ADVICE/ACTION – Commissioner Strode. None.

VI. NEW BUSINESS – Commissioner Strode. 2021 Governor’s State Employee Food Drive.

VII. REPORTS – Chair MacLean

- A. Commissioner Strode
- B. Agency division reports-Deputy Commissioner Higley
 - 1. Regulations, Deputy Commissioner Higley
 - 2. Administration, Mesheal Heyman
 - 3. Land Development Division, Michael Hanifin
 - 4. Licensing and Education, Mesheal Heyman

VIII. ANNOUNCEMENTS – Chair MacLean. Next board meeting: 04.05.21 to begin at 10am via Zoom videoconference

IX. ADJOURNMENT – Chair MacLean

X. EXECUTIVE SESSION - Closed

- A. Pursuant to ORS 192.660(2)(h); ORS 192.660(2)(f); ORS 192.345(1); and ORS 192.355(9) for purposes of conferring with legal counsel concerning the rights and duties regarding the current *REX-Real Estate Exchange, Inc. v. Kate Brown, et al.* USDC Court Case No. 3:20-CV-02075-HZ litigation.

Interpreter services or auxiliary aids for persons with disabilities are available upon advance request.



Oregon

Kate Brown, Governor

Agenda Item No.
I.D.

Real Estate Agency

530 Center St. NE, Suite 100

Salem, Oregon 97301-2505

Phone: (503) 378-4170

Regulations Fax: (503) 373-7153

Admin. Fax: (503) 378-2491

www.oregon.gov/rea

OREGON REAL ESTATE BOARD

Regular Meeting Minutes – via Zoom

Oregon Real Estate Agency
Salem, OR 97301

Monday, December 7, 2020

BOARD MEMBERS PRESENT:

Marie Due
Debra Gisriel, late
Jose Gonzalez
Susan Glen
Dave Hamilton
Lawnae Hunter, Chair
Kim Hedding
Pat Ihnat
Alex MacLean, Vice Chair

OREA STAFF PRESENT:

Steve Strode, Commissioner
Anna Higley, Deputy Commissioner
Maddy Alvarado, Customer Service Manager
Michael Hanifin, Land Development Manager
Leandra Hagedorn, Board liaison

GUESTS PRESENT:

Barbara Geyer, Barbara Geyer Real Estate
LaTasha Beal, Keller Williams Sunset Corridor
Jerry Jones, Commercial Property Management
Clint Currin, RE/MAX Equity Group
Jimi Couture, John L. Real Estate
Catroina Mcracken, DOJ

I. BOARD BUSINESS – Chair Hunter

- A. Call to Order. Chair Hunter called the meeting to order at 10am.
- B. Chair Hunter comments/Roll Call. Chair Hunter asked the board members to introduce themselves, and explained the role/function of the board.
- C. Approval of the Agenda and Order of Business.

MOTION TO APPROVE AGENDA AND ORDER OF BUSINESS BY PAT IHNAT

SECOND BY DAVE HAMILTON

MOTION CARRIED BY UNANIMOUS VOTE

- D. Approval of 10.05.20 regular meeting minutes.

MOTION TO APPROVE 10.5.20 REGULAR MEETING MINTUES BY DAVE HAMILTON

SECOND BY MARIE DUE

MOTION CARRIED BY 7 AYES (MARIE DUE, JOSE GONZALEZ, DAVE HAMILTON, LAWNAE HUNTER, KIM HEDDINGER, PAT IHNAT, ALEX MACLEAN, AND SUSAN GLEN ABSTAINED DUE TO HER ABSENCE AT THE 10.5.20 MEETING)

- E. Date of the Next Meeting: 02.01.21, to begin at 10am and will be held via Zoom video conference.

II. PUBLIC COMMENT – Chair Hunter. None.

- This time is set aside for persons wishing to address the Board on matters not on the agenda. Speakers will be limited to five minutes.
- The Board Chair reserves the right to further limit or exclude repetitious or irrelevant presentations. If written material is included, 12 copies of all information to be distributed to board members should be given to the Board Liaison prior to the meeting.
- Action will not be taken at this meeting on citizen comments. The Board, however, after hearing from interested citizens, may place items on a future agenda so proper notice may be given to all interested parties.
- If no one wishes to comment, the next scheduled agenda item will be considered.

III. REQUEST FOR WAIVERS – Chair Hunter. Log.

- A. Jerry Jones - Chair Hunter asked Mr Jones to explain the basis for his waiver request and he responded that he had held various business roles in the real estate industry, such as development projects, commercial management firm. He also explained that he wanted to expand to a brokerage firm and that having the principal broker designation would be a tremendous professional benefit. Susan Glen asked Mr Jones if he was aware of the 3 year requirement previously and re responded that he was aware of the requirement. Marie Due asked Mr. Jones if he had management experience. Mr. Jones explained that he had managed teams of 2 to 3 brokers and upwards of 20. Pat Ihnat stated that managing brokers requires

dealing with substantive issues rather than broad management. Jose Gonzalez asked Mr. Jones what options were available to him if his waiver request were to be denied and Mr. Jones replied that the principal broker who plans on retiring would postpone his retirement if necessary.

**MOTION TO DENY JERRY JONES'S 3 YEAR EXPERIENCE WAIVER REQUEST BY ALEX MACLEAN
SECOND BY MARIE DUE
MOTION CARRIED BY UNANIMOUS VOTE**

- B. Eric Zechnelley - Chair Hunter asked Mr. Zechnelley to explain the basis for his waiver request and he responded that his family owns and operates multiple businesses relating to various areas of real estate, which he has been involved in since he was in high school. He also explained that he received a Master Degree in Real Estate Development from Portland State University. Alex MacLean asked Mr. Zechnelley who he would be managing and what type of business and he responded that the business was a manufactured home company involving commercial real estate transactions and he would be managing a couple of brokers. Pat Ihnat asked Mr. Zechnelley how he believed his degree weighed in on answering questions from brokers and he replied that many of the courses he took covered law/rule content along with transaction processes. DISCUSSION: Pat Ihnat stated although Mr. Zechnelley's experience was with manufactured homes, his course study and degree were impressive. Alex MacLean stated Mr. Zechnelley's would benefit from more management experience.

**MOTION TO DENY ERIC ZECHNELLEY'S 3 YEAR EXPERIENCE WAIVER REQUEST BY ALEX MACLEAN
SECOND BY DAVE HAMILTON
MOTION CARRIED BY UNANIMOUS VOTE**

IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER - Chair Hunter. None.

- V. **BOARD ADVICE/ACTION – Commissioner Strode. Nominations for 2021 Board Chair and Vice Chair.** Commissioner Strode nominated Alex MacLean as chair and Pat Ihnat as vice chair.

**MOTION TO APPROVE ALEX MACLEAN AS BOARD CHAIR AND PAT IHNAT AS VICE CHAIR BY DAVE HAMILTON
SECOND BY MARIE DUE
MOTION CARRIED BY UNANIMOUS VOTE**

2021 Board Meeting Schedule:

- February 1
- April 5
- June 7
- August 2
- October 4
- December 6

NEW BUSINESS - Commissioner Strode. 2020 State Employees Charitable Fund Drive. Commissioner Strode stated that the board had been very generous in the past with donations food drive and referred the board to the handout provided in the board packet with CFD information for review.

VI. REPORTS – Chair Hunter.

- A. Commissioner Strode
- 2020 has been a challenging year and Commissioner Strode gave recognition to REA staff and board members for their continued efforts.
 - Agency rules have been filed and will go into effect January 1, 2021.
- B. Agency division report - Deputy Commissioner Higley
1. Regulations and Administration, Deputy Commissioner Higley.
 - Staffing - Mesheal Heyman has accepted a promotional position as the Administrative Services Division Manager - Regulations Manager position will remain vacant until Agency reopens
 2. Land Development, Michael Hanifin
 - Filing activity has increased
 - Advertising rules will be effective January 1, 2021
 - Timeshare filing process has been revised
 - Condo filings have transitioned to an online process
 3. Education and Licensing, Deputy Commissioner Higley
 - PSI has launched online testing
 - CEP renewal reminder that a late fee of \$300 will be charged if deadline is not met

VII. ANNOUNCEMENTS – Chair Hunter. Next board meeting: 02.01.21 to begin at 10am and will be held via Zoom video conference.

VIII. ADJOURNMENT – Chair Hunter

Respectfully submitted,

STEVE STRODE, COMMISSIONER

Respectfully submitted,

LAWNAE HUNTER, BOARD CHAIR

OREGON REAL ESTATE AGENCY – Experience Requirement Waiver Request Log (2018-2021)

**AGENDA ITEM NO.
III.**

DATE	NAME	LICENSE TYPE	APPROVED/DENIED	FACTS AND BOARD DISCUSSION
04.02.18	Ross Kelley	PB	Denied	<p>FACTS: Ross Kelley requests a waiver of experience to become a principal broker. Mr. Kelley explained his request was based on his legal experience on both residential and commercial real estate and also that his business model would be a small scale of commercial properties. Dave Koch asked Mr. Kelley about his attitude towards managing and Mr. Kelley responded that his goal would be to provide exemplary service and he has reviewed ORS Chapter 696. Mr. Koch asked Mr. Kelley if he had supervision experience and Mr. Kelley responded that has supervised paralegals, attorneys and in his current position as well. Alex MacLean asked Mr. Kelley if he has had any experience with day to day transaction activity and Mr. Kelley responded he has worked with many brokers as well as buyers and sellers.</p> <p>MOTION TO DENY MR. KELLEY’S REQUEST FOR WAIVER OF EXPERIENCE AND RECOMMEND MR. KELLEY MAKE HIS REQUEST AFTER ONE YEAR OF EXPERIENCE BY DAVE KOCH SECOND BY PAT IHNAT MOTION CARRIED BY UNANIMOUS VOTE</p>
06.04.18	Ryan McGraw	PB	Approved	<p>FACTS: Ryan McGraw requests experience waiver to become principal broker. Mr. McGraw appeared and explained the basis for his request for waiver was that he has practiced real estate law in some form for 9 years. He also explained that for the past 2 years he has been the equivalent to a principal broker in California, however, he relocated to Oregon and did not build the business in California. Mr. McGraw obtained his broker license in Oregon about a year ago and has handled some transactions but his goal was to build a residential property management business while continuing to sell homes. Dave Koch asked Mr. McGraw what supervisory experience he had. Mr. McGraw responded that for the last 6 years he has been responsible for supervising 22 staff in his current role. Dave Hamilton asked Mr. McGraw if he was operating as both realtor with a company and also the energy company. Mr. McGraw responded that he was operating as both. Commissioner Bentley clarified the area of concern for board members was Mr. McGraw his lack of experience in supervising new licensees and Mr. McGraw responded that he agreed with that concern and would only take on licensees that are fully experienced. Discussion: Alex MacLean stated although Mr. McGraw’s lack of experience with supervision was a concern Mr. MacLean was in support of approval of this motion. Mr. Koch asked Mr. McGraw to expand on his management process/experience and Mr. McGraw described how he has handled various personnel issues as a manager/supervisor. Jose Gonzalez also expressed his support for approval of this motion. Pat Ihnat asked Mr. McGraw how he handled lease negotiations and Mr. McGraw responded that he has been involved as supervising and also has used brokers.</p> <p>MOTION TO APPROVE RYAN MCGRAW’S REQUEST FOR WAIVER OF EXPERIENCE BY LAWNAE HUNTER SECOND BY PAT IHNAT MOTION CARRIED BY UNANIMOUS VOTE</p>
12.10.18	Joseph Edwards	PB	Withdrawn	Joseph Edwards requests an experience waiver, Mr. Edwards contacted the agency to cancel his appearance due to unsafe road conditions.
04.01.19	Ross Kelley	PB	Denied	<p>Ross Kelley requests experience requirement waiver. Chair Farley asked Mr. Kelley to expand on the basis of his request for a waiver. Mr. Kelley explained that since his appearance before the board about a year ago he had completed two transactions and had a listing pending. Mr. Kelley stated that becoming a principal broker would allow him to provide quality service to his clients and also open his own real estate brokerage firm.</p> <p>DISCUSSION: Alex MacLean expressed his appreciation to Mr. Kelley for appearing before the board for a second time and also encouraged him to continue gaining the required experience to become a principal broker. Jose Gonzalez explained that his personal experience of learning from principal brokers was instrumental for him in becoming a principal broker.</p> <p>MOTION TO DENY ROSS KELLEY’S REQUEST FOR WAIVER BY DEBRA GISRIEL SECOND BY DAVE HAMILTON</p>

				MOTION CARRIED BY UNANIMOUS VOTE
6.3.19	Ruth Howard	PB	Approved	<p>Ruth Howard requested a waiver of experience to become a principal broker. Howard appeared in person. Howard explained the basis for her request. Worked in real estate as a secretary for an office in 1980. Over the years she owned a small business and leased homes for a retirement community, She then got her real estate license. She was asked by the outgoing principal broker and the president of her current company to become the principal broker despite not having the required experience. Dave Koch asked if Laurie Thiel had comments. Thiel spoke on Howard's behalf. Koch recused himself from the vote, but recommended approval comments. Thiel spoke on Howard's behalf, Koch recused himself from the vote, but recommended approval of the request. Pat Ihnat commented that Koch is usually is the one that questions experience waiver requests) and that Koch's support is uncharacteristic. Howard explained how her leasing experience helped her in professional real estate. Lawnae commented favorable on 1-Ioward1s background, Ihnat asked how many are in the office now. Howard responded 20. Lawnae asked about trust accounting experience. Debra Gisriel asked if there is another principal broker in the office who can step in, Thiel stated that there are licensees that who could meet the requirements but no one with the desire or skills to manage, Gisriel suggested that Howard take the Principal Broker Advanced Practices course and the Principal Broker Academy right away. Dave Hamilton asked question about transaction issues. Alex MacLean inquired about time line for Bill (current PB in the office) to mentor, number of deals occurring in office and experience of brokers in office. MacLean also asked how many RE/MAX offices are in Portland, where are management meetings held, if other RE/MAX management is available to her as a resource, and what her plans are for growing office. Koch commented on history of office. MacLean confirmed Bill is retiring from management of office, not from real estate business, and asked about Dave Koch's relationship with the office and RE/MAX. Ihnat commented when Howard obtains a principal broker license, she could leave RE/MAX and open her own office. Jef Farley commented on the shortcomings of the law requiring only three years of active licensed experience to obtain a principal broker license.</p> <p>DISCUSSION: Dave Hamilton commented he considers Dave Koch's recommendation. Lawnae agreed. Pat said leasing experience similar. Susan commented on past leasing experience and number of transactions completed.</p> <p>MOTION TO APPROVE RUTH HOWARD'S REQUEST FOR WAIVER OF EXPERIENCE BY PAT IHNAT.</p> <p>SECOND BY DEBRA GISRIEL.</p>
2.3.20	Christopher Ambrose	PB	Approved	<p>Christopher Ambrose, Mr. Ambrose explained that he had been practicing attorney with Ambrose Law Group and an active attorney for approximately 30 years. He also stated that he was one of three owners of Total Real Estate Group LLC, which is a residential brokerage based out of Bend and his waiver request is based on his hands on experience as well as working very closely with the principal broker employed at Total Real Estate Group. Mr. Ambrose reported his company closed approximately 70 ns last year, bringing in 55 million in sales and that he had worked with and assisted in the selection of software. Alex MacLean asked Mr. Ambrose how his becoming a principal broker would affect the current principal broker at the company. Mr. Ambrose explained that he would continue to work closely with the principal broker but focus on managing the office and allocating duties while principal broker would continue to produce. Dave Hamilton asked Mr. Ambrose is the current principal broker was a principal in the company and Mr. Ambrose stated current principal broker is not a principal in the company. Discussion: Pat Ihnat, Dave Hamilton and Kim Heddingler all stated that they advocated the approval of the Mr. Ambrose's waiver request based on his experience in both the legal and real estate industry. Ms. Heddingler asked Mr. Ambrose if his intention was to continue to practice law and Mr. Ambrose affirmed.</p> <p>MOTION TO APPROVE CHRISTOPHER AMBROSE'S WAIVER REQUEST BY ALEX MACLEAN</p> <p>SECOND BY PAT IHNAT</p> <p>MOTION CARRIED BY UNANIMOU VOTE</p>
12.07.20	Jerry Jones	PB	DENIED	<p>Chair Hunter asked Mr Jones to explain the basis for his waiver request and he responded that he had held various business roles in the real estate industry, such as development projects, commercial management firm. He also explained that he wanted to expand to a brokerage firm and that having the principal broker designation would be a tremendous professional benefit. Susan Glen asked Mr Jones if he was aware of the 3 year requirement previously and re responded that he was aware of the requirement. Marie Due asked Mr. Jones if he had management experience. Mr. Jones explained that he had managed teams of 2 to 3 brokers and upwards of 20. Pat Ihnat stated that managing brokers requires dealing with substantive issues rather than broad management. Jose Gonzalez asked Mr. Jones what options were available to him if his waiver request were to be denied and Mr. Jones replied that the principal broker who plans on retiring would postpone his retirement if necessary.</p> <p>MOTION TO DENY JERRY JONES'S 3 YEAR EXPERIENCE WAIVER REQUEST BY ALEX MACLEAN</p> <p>SECOND BY MARIE DUE</p>

				MOTION CARRIED BY UNANIMOUS VOTE
12.07.20	Eric Zechenelly	PB		<p>Chair Hunter asked Mr. Zechenelly to explain the basis for his waiver request and he responded that his family owns and operates multiple businesses relating to various areas of real estate, which he has been involved in since he was in high school. He also explained that he received a Master Degree in Real Estate Development from Portland State University. Alex MacLean asked Mr. Zechnelly who he would be managing and what type of business and he responded that the business was a manufactured home company involving commercial real estate transactions and he would be managing a couple of brokers. Pat Ihnat asked Mr. Zechnelley how he believed his degree weighed in on answering questions from brokers and he replied that many of the courses he took covered law/rule content along with transaction processes. DISCUSSION: Pat Ihnat stated although Mr. Zechnelly's experience was with manufactured homes, his course study and degree were impressive. Alex MacLean stated Mr. Zechnelley's would benefit from more management experience.</p> <p>MOTION TO DENY ERIC ZECHNELLEY'S 3 YEAR EXPERIENCE WAIVER REQUEST BY ALEX MACLEAN</p> <p>SECOND BY DAVE HAMILTON</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>
02.01.21	Robert Tessmer	PB		
02.01.21	Eric Zechenelly	PB		

**AGENDA ITEM NO.
III. A.**

Robert Tessmer
933 Hiatt St.
Lebanon, Oregon 97355

Jan 4, 2021

RE: Experience Requirement Waiver Request for Robert Tesmer

Dear OREA Members of the Board:

I became interested in real estate approx. 30 years ago. I was building and plumbing residential homes for a gentleman named Roy Freeman. He was a retired military officer and a retired banker. He mentored me and coached me through the processes of lending and real estate. I worked closely and he mentored me for over 10 years. During this timeframe we performed over 65+ transactions together including the purchase of vacant lots, sales of homes, this includes personal and private lending.

My request for the 3-year waiver is because in the documentation below, I believe I have demonstrated that I have met all the requirements in ORE 863-014-0042. In addition, I served my country for two enlistments; I am a combat-disabled veteran that does not have the ability to work in a traditional office environment. I have service-connected medical disabilities that we can discuss in person if needed. My documentation is attached.

Included in my completed packet you will find several letters of reference from Principal Brokers, Brokers and professional references. I have included a brief detailed resume and a detailed list of my real estate transaction activity.

2008-2012 Central Bethany Development

Duties and responsibilities included: Real property procurement, development, property management and acquisitions. I was responsible for commercial and residential property management, of over 300 residential apartment units, 85+ condominium units, 600,000 square feet of assisted living and memory care, and over 1.2 million square feet of commercial retail properties.

I sourced vacant commercial land and retail spaces and arraigned for the acquisition of these properties. These properties included a large parcel in Gresham with a pawnshop, a strip mall with multiple tenants in Hillsboro, a two-story commercial building in Hillsboro, a strip mall in

Lake Oswego, and multiple commercial and residential properties in Bethany. The acquisition prices ranged from 325K-3+ million dollars. This list is not all-inclusive.

Daily duties included oversight of property managers, contract management, contract negotiations, development of unique commercial retail rental contracts, handling of 1+ million dollars of trust funds, accounting, advertising, marketing and maintenance management. I networked with numerous Principal Brokers, Brokers and building managers. I kept current on fair housing laws, I prepared competitive market analysis's, I generated lists of properties for sale, for rent and listed the availability for financing options, mortgage options and various government programs available. I worked closely with Principal Brokers, attorneys, loan officers, escrow companies, appraisers and arraigned for financing for property purchases. I assessed income potential for potential purchases when relevant. I maintained awareness of tax regulations, zoning ordinances, building tax laws and growth potentials where properties were located. I managed contractors and vendors. I managed property managers, accountants, maintenance personnel and worked closely with tenants, buyers and sellers.

March 2012-May 2017 City of Portland

While employed with the City of Portland I worked in the Office of Management and Finance. I performed professional-level responsibilities in the planning, design, development, renovation, maintenance, property management, and construction management of commercial structures, multiple high-rises, and historical buildings. I managed rental commercial leases, contract negotiations, facility development and repairs, custodial, security, and utility contracts for over 325 thousand square feet of historical buildings and over 2.2 million square feet of government office and commercial retail spaces that included The Portland Building, The 1900 Building, City Hall, and Union Station. I advised and participated in the acquisition and disposition process for City-owned real properties. I prepared and made recommendations for the disposal, sale and deconstruction of City-owned real properties. I performed risk management studies. I participated in the negotiations of lease and rental agreements and other property management agreements. I assisted with the acquisition and sales of numerous City owned properties. I reviewed rental data, agreements and collections.

During my employment I was directly involved in the purchase of over two dozen residential homes for the City. I was directly involved in multiple purchases and sales for several commercial parcels. I assisted multiple bureaus and departments with the procurement of resources to purchase properties for the aid of the homeless populations and encampments.

Personnel management and training: I established and maintained effective working relationships with bureau managers and staff, representatives of other agencies, and the public, while exercising tact and diplomacy when dealing with difficult and sensitive people, issues, and situations. I managed large and small contracting firms and vendors, including men, women and emerging small business contractors and vendors.

I provided training and management practices that support the City's and bureau's mission, objectives, and service expectations. I established performance requirements and personal development targets. I monitored performance and provided coaching for improvement and development. I supervised and evaluated assigned staff and provided leadership and first-line supervision, training and technical assistance to skilled and semi-skilled building trades and craft workers.

I provided leadership and participated in programs and activities that promoted workplace diversity and a positive employee relations environment. I formulated teams to improve marketing strategies to promote the City owned commercial spaces for lease. I worked with minority owned business owners to help them qualify to lease City owned spaces. I worked with numerous lenders to help secure funding sources for minority owned business owners. I coordinated with City approved contractors and tenants for the needed tenant improvements for commercial leases.

With the sales of the City owned properties I secured the properties, assisted with preparing the marketing and marketed the properties for sale. On numerous occasions I'd show the properties and answer any relevant questions and mitigate any concerns. I participated in several closings of commercial property sales.

I oversaw capital improvement projects, conducted pre-bid conferences, reviewed and analyzed submitted bids, and advised bureaus and City staff regarding the selection of successful bidders. I negotiated contracts, evaluated and processed construction disbursements, monitored construction for contract and code compliance, conducted site visits to check and monitor project progress and compliance, interpreted construction documents, technical specifications, and plans.

I issued verbal and written directives. I acted as mediator and coordinator between contractors and City staff. I checked completed work to ensure compliance with all applicable codes, laws, and regulations. I certified completion of assigned projects and authorized contractor payments. I ensured the City receives appropriate credits for cost-reducing changes.

I performed risk management studies, reviewed rental data, agreements, and collections. I participated in the negotiations of lease and rental, and other property management agreements. I prepared and directed the preparation of analyses, studies, and reports pertaining to the planning, construction, operation, and maintenance requirements for city-owned real properties and developed work plans to meet those requirements. Planned, coordinated, reviewed, and supervised the work of professional personnel engaged in the management of construction, renovation, and rehabilitation projects for city-owned properties and facilities.

While working for the City of Portland I consistently received exceptional annual performance reviews. In 2013 I received the City of Portland Safety Champion Award. In 2016 I received the City of Portland Outstanding Service Team Award.

May 2017-Nov 2017 Benton County

While working for Benton County I respectfully and responsibly managed the Facilities and Utilities departments while supporting the mission of Public Works and the core values of

prepared amended and managed budgets, supervised, hired and trained maintenance and custodial personnel and directed and monitored professional service, maintenance, and capital project contracts. I managed two separate work programs, the Facilities and Utilities Divisions

As Facilities and Utilities Manager for Benton County I was responsible for acquisitions of real property, and leasing of county owned properties. I collected rents, I collected and deposited trust funds, I negotiated and wrote complex commercial lease agreements, I established rental rates, I established terms and conditions for occupancy. I performed inspections of properties. I terminated lease agreements when appropriate. I worked collaboratively with other county organizations and assisted with their real estate needs. I regularly leased county owned buildings, and performed moves of personnel, furniture, equipment and technology. Performing these moves required communication and mitigation of constraints. I established lease rates, I worked with title companies and reviewed title reports, I reviewed property details to determine that environmental regulations were being met. I determined the highest and best use for commercial properties.

I developed and monitored a performance-based training program that monitored training of staff members based upon their skills and current performance levels which increased productivity, systems knowledge, and troubleshooting ability resulting in increased staff morale and contributed to employee recognition and employee retention.

I mentored and provided staff training opportunities to allow for the growth and development of personnel within my departments. I scheduled staff for continued training and certifications resulting in savings for my department of over several thousand dollars per month by having county staff perform functions previously contracted out to vendors.

I provided counseling, created individual performance plans, mentored, documented performance reviews, terminated, and gave recognition and awards.

June 2018-Aug 2020 Northwest Community Credit Union

As the Business Operations and Facilities manager for Northwest Community Credit Union I was responsible for overseeing 15 branch building locations, the corporate headquarters, and numerous commercial rental properties. I was responsible for the acquisition of new properties, the sales of existing properties. I was responsible for writing and negotiating commercial leasing agreements for the development of new and existing properties. I served as capital improvement project manager while simultaneously working on numerous commercial construction projects throughout the State of Oregon. I was responsible for all business operations, budget development, monitoring and budget analysis for my departments. I managed employees, training for employees, and development of long-term goal for employees. I prepared and wrote capital improvement project technical specifications, I prepared and wrote projects schedules, I worked collaboratively with architects and engineers to develop design criteria and building functionality based upon stake-holder inputs. I communicated and worked directly, effectively and collaborated with various state, local business-oriented entities, the media and city or county building officials.

functionality based upon stake-holder inputs. I communicated and worked directly, effectively and collaborated with various state, local business-oriented entities, the media and city or county building officials.

As Business Operations and Facilities Manager of a 15-billion-dollar organization I wore numerous hats and had multiple responsibilities through-out the State of Oregon. I was responsible for all company owned and leased commercial properties and facilities. I oversaw all building and company operations for both business operations and facilities operations. I managed all building locations and all building systems including: Plumbing, HVAC, electrical, technology and security.

I was responsible for the procurement of all capital assets including real estate, leasing of properties and sales of properties. I was responsible for all construction, property development, tenant improvements, site development and coordination of all project improvements. I worked closely with community development teams to ensure all interested parties and the media were informed and had clear expectations of all project goals and final project outcome.

I was responsible for writing all-inclusive lease agreements. I collected, deposited and returned trust funds and rents as required to all commercial tenants as needed for company owned properties. I established lease rates, terms and conditions. I was responsible for coordinating and facilitating all real estate transactions while communicating with multiple stakeholders.

I created annual budgets, performed budget forecasting, I monitored accounting, I was responsible for all property taxes, business licensing, property insurances and code compliances. the ability to breakdown tenant improvement and shell costs. I performed customer billings, mitigated complex financial issues and ensured timeliness of financial performance. While at the credit union I was responsible for timeliness of reports, accuracy of data and reports.

I was responsible for the acquisition of the purchase of a large commercial property and building in Roseburg, and the sale of two large commercial properties with one in Eugene and one in Springfield.

Jan 2019-Present Security Construction LLC

Owner-Investor Builder. I hold a Level 1 General Contractors License with both Residential and Commercial endorsements. I am a sole owner – investor for light commercial and residential properties. I regularly research zoning, ordinances and environmental restrictions of properties, I have negotiated the purchase of over a dozen parcels, negotiated with sub-contractors and vendors / performed renovations and negotiated the sale of several commercial and residential properties in the past few years. I have performed and created parcel splits and subdivided properties. I have marketed, sold and advertised these properties, all as a private investor. I mentor other builders and investors of properties. These transactions have varied in size from 15K to 1.8 million.

As Business Operations and Facilities Manager of a 15-billion-dollar organization I wore numerous hats and had multiple responsibilities through-out the State of Oregon. I was responsible for all company owned and leased commercial properties and facilities. I oversaw all building and company operations for both business operations and facilities operations. I managed all building locations and all building systems including: Plumbing, HVAC, electrical, technology and security.

I was responsible for the procurement of all capital assets including real estate, leasing of properties and sales of properties. I was responsible for all construction, property development, tenant improvements, site development and coordination of all project improvements. I worked closely with community development teams to ensure all interested parties and the media were informed and had clear expectations of all project goals and final project outcome.

I was responsible for writing all-inclusive lease agreements. I collected, deposited and returned trust funds and rents as required to all commercial tenants as needed for company owned properties. I established lease rates, terms and conditions. I was responsible for coordinating and facilitating all real estate transactions while communicating with multiple stakeholders.

I created annual budgets, performed budget forecasting, I monitored accounting, I was responsible for all property taxes, business licensing, property insurances and code compliances. the ability to breakdown tenant improvement and shell costs. I performed customer billings, mitigated complex financial issues and ensured timeliness of financial performance. While at the credit union I was responsible for timeliness of reports, accuracy of data and reports.

I was responsible for the acquisition of the purchase of a large commercial property and building in Roseburg, and the sale of two large commercial properties with one in Eugene and one in Springfield.

Jan 2019-Present Security Construction LLC

Owner-Investor Builder. I hold a Level 1 General Contractors License with both Residential and Commercial endorsements. I am a sole owner – investor for light commercial and residential properties. I regularly research zoning, ordinances and environmental restrictions of properties, I have negotiated the purchase of over a dozen parcels, negotiated with sub-contractors and vendors / performed renovations and negotiated the sale of several commercial and residential properties in the past few years. I have performed and created parcel splits and subdivided properties. I have marketed, sold and advertised these properties, all as a private investor. I mentor other builders and investors of properties. These transactions have varied in size from 15K to 1.8 million.

1998-Present Siskiyou County Construction

Owner-Investor Builder. I hold a general contractors license and a plumbing license and perform both commercial and residential construction. I have purchased well over two dozen vacant residential parcels, constructed multi-family homes, duplexes and single family and sold these all as an investor. I have sub-divided numerous parcels, designed and built several small strip malls / shopping centers. I have marketed these properties advertised them, and sold them all as a private investor in northern California. These transactions have varied in size from 4K – 1.3 million.

Additional Certifications

- Advanced Process Mapping
- Project Management for Municipalities
- OIC State of Oregon Inspector certification
- ICC Certified Commercial Plumbing Inspector
- Certified Home Inspector, Certified Pest and Mold Inspector
- Red Cross Certified CPR / First Aid/ AED/ CPR for Professional Rescuers / Emergency First-Aid
- OSHA Compliance and Workplace Safety: Multiple certifications (available upon request)
- FEMA Emergency Management Response: Multiple certifications (available upon request)
- Department of Consumer Business Services: Multiple certifications (available upon request)

Attached Letters of Recommendation

- Sue Connelly – Broker (2 states)
- Tamara Brown Hardy – City of Portland, Port of Portland
- Riley Henderson – Broker NAI Elliott
- Mike Larkin – Principal Broker, Asset Manager, NAI Elliott
- Paula Franz – Personal Friend
- Larry Nelson – City of Portland Human Resources

Attached Relevant Documentation of Training

- 2019-2020 Oregon 150 Hour Broker Pore-License Course
- 2019 Oregon 40 Hours of Broker Administration and Sales Supervision
- 2020 Oregon 27 Hours of Principal broker Advanced Practices
- 2020 Oregon 3 Hours Oregon Law and Rule Required Course (LARRC)
- 2019 Oregon Construction Contractor License Training
- 2020 National Exam Score 61.0
- 2020 State Exam Score 40.0

Additional Attached

- 2019 Receipt Confirmation for Oregon Real Estate Principal Broker Application
- 2020 Department of Veterans Affairs Letter

In conclusion I respectfully request to be granted a waiver pursuant to ORE 863-014-0042. I trust the documentation and the attached forms and references demonstrate that I have the sufficient knowledge and experience in the real estate industry to perform as a Principal Broker. If more information is needed to approve my request to waive the 3 year requirement, please let me know at my contact information below.

I respectfully appreciate your time and consideration,

A handwritten signature in black ink, appearing to read 'R Tessmer', with a stylized flourish at the end.

Robert Tessmer

933 Hiatt St.

Lebanon Or, 97355

541-990-9985

Roberthtessmer@gmail.com

Oregon Real Estate Board

Experience Requirement Waiver Request

Date: 1-4-2021Name: ROBERT TESSMERAddress: 933 HIATT ST LEVADON OR 97355Daytime Phone Number: 541-990-9985Oregon License Number: 201231455**GENERAL INFORMATION AND DOCUMENTATION**

- I am seeking an experience requirement waiver to become a real estate PRINCIPAL BROKER.
(ORS 696.022 and OAR 863-014-0040)
- I am currently licensed as a real estate broker in Oregon: Yes ☐ No ☒
If yes, please state the dates for which you held an Oregon real estate license: _____ to _____
Was your Oregon license obtained through a reciprocal agreement with another state? Yes ☐ No ☐
- I am currently licensed or have held a real estate license in another state that was issued by the state's licensing authority: Yes ☐ No ☒. Indicate the following

Type of License	State Issued	Dates Active License Held	
		From:	To
		From:	To
		From:	To

- Per OAR 863-014-0040 and OAR 863-014-0042, I have:

	Yes	No	Date Completed	Additional Required Information	Agency Use Only
Completed the "Broker Administration and Sales Supervision" course for principal real estate brokers. Must be completed PRIOR to waiver request.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Feb 5 2019	Attach original course certificate. M	
Submitted the Real Estate License Application for Principal Broker license and \$300 fee. Must be completed PRIOR to waiver request.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Feb 6 2019	Attach copy of confirmation letter from Agency.	
Successfully passed the Oregon Principal Broker exam. Must be completed PRIOR to waiver request.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sept 28 2020	National Score: <u>61</u> State Score: <u>40</u>	
Graduated from a four-year college or university with a degree in real estate curriculum approved by the Commissioner. (863-014-0042)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Attach official transcript to request, if any.	
Graduated with a two-year community college associates degree in real estate curriculum approved by the Commissioner. (863-014-0042)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Attach official transcript, if any.	
Substantial real estate-related experience equivalent to at least 3 years active licensed experience. Include any real estate designations achieved. (OAR 863-014-0042)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Successful completion of over 55 transactions - Purchase -	Attach a written details about your additional real estate experience that would assist in the Board's consideration of your waiver request.	

Se 11

Included the number and type of real estate transactions (listings and transactions that were closed) I have completed while holding a real estate license in Oregon or in another state.		X		Attach a document showing the number and types of transactions you have completed while licensed, if any.	
---	--	---	--	---	--

REQUIRED DOCUMENTS

Listed below are the required documents to be included in the request for an experience waiver.

1. Your letter requesting a waiver of the three year active licensed experience. This letter should:
 - o State the reason for the request, including the compelling reason why you cannot wait to complete the three years of active licensed experience.
 - o Indicate the real estate experience you have that would be an acceptable substitute for the three years of required experience.
 - o Explain how you obtained the knowledge and expertise to adequately manage a real estate business, which includes supervising Oregon real estate licensees and handling clients' trust accounts.
2. Required documentation listed above in the General Information and Documentation section #4.

HELPFUL DOCUMENTS

The following information is helpful, but not required, for the Board to thoroughly evaluate your request:

- o Letters of reference pertaining to your real estate experience
- o Letters of reference from current or past supervising principal brokers
- o Supervisory experience
- o Familiarity and experience in other related industries: escrow, title, mortgage, etc.

OTHER REQUIREMENTS

- You will be required to attend the Oregon Real Estate Board meeting when this waiver is discussed. The Board schedule will be communicated in follow-up correspondence upon receipt of your documents.
- Be prepared to answer questions from the Board to support your request.
- Waiver requests must be received at the agency no less than 21 days before the board meets.
- You must email all documents, including this completed and signed "Experience Requirement Waiver Request," to madeline.c.alvarado@state.or.us.

IMPORTANT NOTE: All documents submitted become part of the Board Packet and, therefore, public record. The Agency highly recommends that you remove/redact any confidential information on your documents, such as your social security number, date of birth, and credit card information. Please do not put the packet into any type of folder or binding.

Please direct any questions to Madeline Alvarado at 503-378-4590 or madeline.c.alvarado@state.or.us.

2020 BOARD MEETING DATES

MEETING DATE

February 3, 2020
 April 6, 2020
 June 1, 2020
 August 3, 2020
 October 5, 2020
 December 7, 2020

LOCATION

Eugene
 Teleconference
 Teleconference
 Videoconference
 Videoconference
 Videoconference

WAIVER PACKET DUE DATE

January 13, 2020
 March 16, 2020
 May 11, 2020
 July 13, 2018
 September 14, 2018
 November 16, 2018



Oregon Real Estate Broker Pre-License Training

Be It Known That
Robert Tessmer

has completed the following courses through this institution and received a passing grade of "C" or its equivalent. The Oregon Real Estate Agency has approved each course for its indicated clock hours. This institution maintains a copy of this transcript for 25 years.

Course	Signature of School Official (N. Jeffrey Sorg or Chris Culbertson)	Date of Test
Module 1- Agency (15 hours)	<u>A. Q125</u>	Feb 8, 2019
Module 2- Contracts (15 hours)	<u>A. Q125</u>	Feb 9, 2019
Module 3- Real Estate Law (30 hours)	<u>A. Q125</u>	Nov 15, 2019
Module 4- Practices (30 hours)	<u>A. Q125</u>	Nov 18, 2019
Module 5- Brokerage (20 hours)	<u>A. Q125</u>	Nov 20, 2019
Module 6- Finance (30 hours)	<u>A. Q125</u>	Sep 15, 2020
Module 7- Property Management (10 hours)	<u>A. Q125</u>	Sep 16, 2020

Principal Broker Course Completion Certificate

THIS CERTIFICATE WILL VERIFY THAT:

Robert Tessmer

Real Estate License Number: N/A

Mailing Address of:

933 Hiatt St, Lebanon, OR 97355

has successfully completed the final examination for the correspondence/Internet study course:

Brokerage Administration and Sales Supervision

The course credit granted is **40 hours** on the date of **February 5, 2019** at www.OnlineEd.com. The date of completion is the date the actual Internet study course examination was actually taken and graded. This course is approved by the Oregon Real Estate Agency to meet the requirements of the Oregon Principal Real Estate Broker - Brokerage Administration and Sales Supervision 40 hour course required as a prerequisite to obtaining an Oregon Principal Real Estate Brokers License.

THIS OFFERING IS UNDER THE TOPIC OF
Brokerage Administration and Sales Supervision

OREGON REAL ESTATE AGENCY CERTIFIED CONTINUING EDUCATION COURSE

PROVIDER COURSE NUMBER: **1038-1039**

THIS COURSE WAS SPONSORED AND THIS CERTIFICATE ISSUED BY:



OnlineEd Inc.
N. Jeffrey Sorg, School Director
7405 SW Beveland Road, Portland, OR 97223
mail@OnlineEd.com, <https://www.onlineed.com/>
Phone: (503) 670-9278

Certificate Authentication Number: 630157

This certificate is void if the above authentication number cannot be verified by OnlineEd

Click to verify: <https://www.onlineed.com/VERIFY?4AE7-D93D-1080-6001-05D9>



CONTINUING EDUCATION IN REAL ESTATE

Course Completion Certificate

This Certificate Will Verify That:

Robert Tessmer

(Name of Attendee)

Real Estate License Number: 201231455

Mailing Address of:

933 Hiatt St, Lebanon, OR 97355

has completed and successfully passed a final examination for the course entitled: **Principal Broker Advanced Practices** for Oregon Real Estate Continuing Education in the amount of **27 clock hours** on the date of **September 25, 2020**.

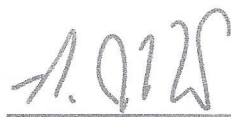
This offering is under the OAR 863-020-0035 topic designation of: **First renewal - Advanced Practices**

OREGON REAL ESTATE AGENCY CERTIFIED CONTINUING EDUCATION COURSE
PROVIDER COURSE NUMBER: **1038-1128**

PROVIDER NUMBER: **1038**

Instructed by: Marilee Mascarenhas

THIS COURSE WAS SPONSORED AND THIS CERTIFICATE ISSUED BY:



OnlineEd Inc.

N. Jeffrey Sorg, School Director

7405 SW Beveland Road, Portland, OR 97223

mail@OnlineEd.com, <https://www.onlineed.com/>

Phone: (503) 670-9278

Certificate Authentication Number: 1411111

This certificate is void if the above authentication number cannot be verified by OnlineEd

Click to verify: <https://www.onlineed.com/VERIFY?C9EC-884F-3026-E06D-1C75>



CONTINUING EDUCATION IN REAL ESTATE

Course Completion Certificate

This Certificate Will Verify That:

Robert Tessmer

(Name of Attendee)

Real Estate License Number: 201231455

Mailing Address of:

933 Hiatt St, Lebanon, OR 97355

has completed and successfully passed a final examination for the course entitled: **Law and Rule Required Course (LARRC) for 2020-2021** for Oregon Real Estate Continuing Education in the amount of **3 clock hours** on the date of **September 18, 2020**.

This offering is under the OAR 863-020-0035 topic designation of: **Real Estate Law and Regulation**

OREGON REAL ESTATE AGENCY CERTIFIED CONTINUING EDUCATION COURSE

PROVIDER COURSE NUMBER: **1038-1139**

PROVIDER NUMBER: **1038**

Instructed by: Jeff Sorg, Marilee Mascarenhas

THIS COURSE WAS SPONSORED AND THIS CERTIFICATE ISSUED BY:



OnlineEd Inc.

N. Jeffrey Sorg, School Director

7405 SW Beveland Road, Portland, OR 97223

mail@OnlineEd.com, <https://www.onlineed.com/>

Phone: (503) 670-9278

Certificate Authentication Number: 1411112

This certificate is void if the above authentication number cannot be verified by OnlineEd

Click to verify: <https://www.onlineed.com/VERIFY?B506-88E7-4022-F098-1485>





Robert Tessmer <roberhtessmer@gmail.com>

[OnlineEd] Course Complete

1 message

OnlineEd <mail@onlineed.com>

Sun, Jan 6, 2019 at 11:19 AM

To: roberhtessmer@gmail.com



Congratulations!

You have completed "Oregon Construction Contractor License Training."

If you HAVE NOT already submitted your timesheet with the documented 16 hours of study:

Before the Construction Contractors Board (CCB) can be notified of your course completion, you need to submit your completed timesheet. The timesheet must document the minimum 16 hours of study time, which can include the time you spent reading the NASCLA Contractors Guide, watching the online review videos, and taking the online practice exams.

Please log into your online account for instructions on how to submit your timesheet.

We hope you enjoyed the material and learned something valuable! Your course access will remain open for up to a year from the time of purchase. We encourage you to print out or download any of the course materials that you feel would be of future benefit to you.

Thanks again! We wish you the best in your career.

You can access your records by logging into your account at <http://onlineed.com/login> and log in with your username **roberhtessmer@gmail.com**. If you do not know or remember your login name and password, please visit the login recovery page at <http://onlineed.com/forgotlogin>.

OnlineEd

7405 SW Beveland
Portland, OR 97223
In Oregon: (503) 670-9278
Toll-free outside Oregon: (866) 519-9597
<http://www.onlineed.com/>
mail@onlineed.com

December 2, 2020

To Whom It May Concern:

I have known and worked with Robert Tessmer since February 2016 where we both worked for the City of Portland within the Facilities Department of the Office of Management and Finance under direction of the Mayor. Rapport with Robert came easily from the very beginning, considering Roberts vast knowledge of real estate and myself a licensed Real Estate Broker in Oregon since 2005 and concurrently in Hawaii since 2010.

Robert has always been enthusiastic, professional and dependable. His tireless work efforts helped immensely with the property development and leasing of multiple commercial spaces including Portland Union Station.

I highly recommend Robert for opportunities that allow him to be actively involved with property development and management, acquisitions, and dispositions. He will be a great addition to the Principal Broker community of Oregon.

Best Regards,

A handwritten signature in black ink that reads "Sue Connelly". The signature is written in a cursive, flowing style.

Sue Connelly
Realtor Broker

alohahawaiisue@gmail.com

(971) 777-3219

Tamara Brown Hardy
20502 NE Wistful Vista Drive
Fairview OR 97024

December 4, 2020

To whom it may concern:

I am pleased to write this letter of recommendation for Robert Tessmer. I have known Bob as a colleague and friend for over 7 years and have found him to be a man of excellent moral character.

Bob and I worked together at the City of Portland from 2011-2017 and I am familiar with his knowledge of and passion for real estate. During our time at the City, we worked side by side on several real estate and facilities-relation projects. In each instance, Bob was consistently honest, ethical and instrumental in leading the projects through to fruition.

In short, I would attest to Robert Tessmer being a trustworthy, positive and honorable person who can be relied upon; whether as a valued team member in a professional setting, or as a friend for those fortunate enough to spend time with him.

Please feel free to contact me regarding this recommendation if required.

Sincerely,

Tamara Brown Hardy

Port of Portland

Facilities, Distribution & Support Services Manager



①

12/11



December 7, 2020

To whom it may concern,

I have worked closely with Bob Tessmer for two years. During the period time I worked with Bob, he was the facilities manager for a local credit union and our firm assisted in the disposition of non-core assets for the credit union. Bob was instrumental in getting the properties ready for the market, communicating with the local contacts at each property, ensuring our firm had the necessary documentation, and advising on the strategy for dispositions among other tasks. Bob was always professional and quick to get us the answers and information we needed to fulfill our role successfully.

I enjoyed working with Bob during his time at the credit union on a professional and personal level. I have no hesitations for recommending him and he would be a great addition to any organization.

If you have any further questions, I can be reached at 503-975-9301.

Sincerely

A handwritten signature in black ink, appearing to read "Riley Henderson", with a long, sweeping horizontal line extending to the right.

Riley Henderson
Broker, NAI Elliott

•
•
•
•
•
•
•
•

Mike Larkin
c/o NAI Elliott
901 NE Glisan
Portland, OR 97232

Dear Sir or Madam:

I have had the privilege to work with Bob Tessmer in various commercial real estate capacities since 2008. Bob has always presented himself with the utmost integrity. Bob has been a trustworthy resource and man of great character in my varied professional dealings with him. He has always made clear the importance of making a positive impact on his family and community in both personal and professional ventures.

Please feel free to contact me if you wish to discuss in greater detail.

Sincerely,

Mike Larkin

Mike Larkin
Real Estate Asset Manager, Oregon Principal Broker
Elliott Associates, Inc dba NAI Elliott

• • • • •

August 24, 2020

Letter of recommendation for Robert Tessmer

To whom it may concern:

I had the pleasure of working with Bob for approximately two years at a local financial institution.

Bob was always willing to go above and beyond to complete the job and look for efficiencies while doing it. My experience with Bob as a team mate was always pleasant, he is a joy to be around and has a happy personality.

I would recommend Bob for any role he feels he will be successful in performing. He is dependable and reliable and I would welcome the opportunity to work again with Bob in the future.

Sincerely,

Paula Franz

Paula Franz

541-285-5769



City of Portland

Bureau of

Human Resources

Knowledgeable | Helpful | Responsive

Anna Kanwit, Director
1120 SW 5th Ave., Rm. 404
Portland, Oregon 97204-1912
(503) 823-3572
Fax (503) 823-4156

Office of Management and Finance

Tom Rincher, Chief Administrative Officer

To whom it may concern,

It's my absolute pleasure to recommend Bob Tessmer for a position within your organization.

Bob and I have worked together for over five years. I thoroughly enjoyed my time working with Bob, and came to know him as a truly valuable asset. He is honest, dependable, and incredibly hard-working.

Bob's knowledge of Project Management and expertise in Facilities Management was a huge advantage to our Bureau. He put this skillset to work in order to complete various tasks including the Bureau of Human Services carpet/reconfiguration project.

Along with his undeniable talent, Bob has always been an absolute joy to work with. He is a true team player, and always manages to foster positive discussions and bring the best out of other employees.

Without a doubt, I confidently recommend Bob Tessmer to join your team. As a dedicated and knowledgeable employee and an all-around great person, I know that he will be a beneficial addition to your organization.

Please feel free to contact me at 503-823-6118 should you like to discuss Bob's qualifications and experience further. I'd be happy to expand on my recommendation.

Best wishes,

Larry T. Nelson

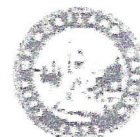
Bureau of Human Resources Finance Manager

City of Portland, Oregon

Ted Wheeler, Mayor

We are an equal opportunity employer

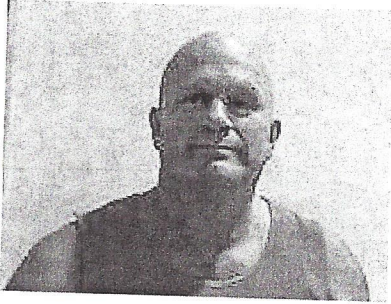
Please notify the City of Portland of the need for ADA accommodations no less than five (5) days prior to any City-sponsored event by contacting the Bureau of Human Resources at 503-823-3572 or the City's TTY at 503-823-6861.



Oregon Real Estate Agency

Real Estate Broker

Score Report



Robert Tessmer

933 Hiatt St

Lebanon, Oregon 97355

Candidate ID: XXX-XX-1455

Exam: OR Principal Broker Exam - OR Principal Broker - National

Exam Date: 09/28/2020

PASSING SCORE: 60.0 (75%)

YOUR SCORE: 61.0

GRADE: PASS

Congratulations! You have passed the **OR Principal Broker - National Examination**.

The following is an analysis of your performance on the examination. For a detailed description of the subject matter included within each Topic, please refer to the PSI Candidate Information Bulletin.

Topic	Number of Questions	Number Correct
Property ownership	7	6.0
Land use controls and regulations	4	4.0
Valuation and market analysis	5	5.0
Financing	6	5.0
General principles of agency	9	7.0
Property disclosures	5	2.0
Contracts	13	12.0
Leasing and Property Management	4	3.0
Transfer of Title	6	5.0
Practice of real estate	10	8.0
Real estate calculations	6	4.0

THIS IS NOT A LICENSE. Do not conduct professional real estate activity until you are notified by the Oregon Real Estate Agency that you are licensed.

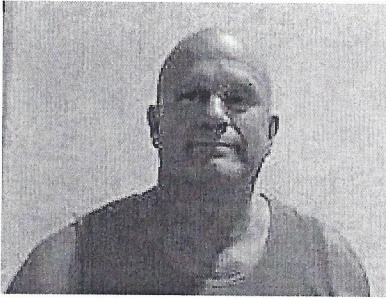
- Your fingerprint results can take up to 4 weeks to reach the Agency.
- The Agency will receive your exam scores in 3 business days.
- Check the status of your license application by logging in to your eLicense account at <https://orea.elicense.irondata.com..>
- Passing exam scores and background clearances are good for 1 year. The Agency can only issue a license while your scores and background clearance are valid.
- The requirements for your specific license can be found via the "Get a License" link at www.oregon.gov/rea.
- Once all license requirements are completed, including association to a registered business name (RBN), the Agency will issue a license.

This score report is provided as a record of your scores. Do not send it to the Real Estate Agency.

Oregon Real Estate Agency

Real Estate Broker

Score Report



Robert Tessmer
933 Hiatt St
Lebanon, Oregon 97355

Candidate ID: XXX-XX-1455

Exam: OR Principal Broker Exam - OR Principal Broker - State

Exam Date: 09/28/2020

PASSING SCORE: 38.0 (75%)

YOUR SCORE: 40.0

GRADE: PASS

Congratulations! You have passed the OR Principal Broker - State Examination.

The following is an analysis of your performance on the examination. For a detailed description of the subject matter included within each Topic, please refer to the PSI Candidate Information Bulletin.

Topic	Number of Questions	Number Correct
License Law and Disciplinary Measures	5	4.0
Handling of Client Funds	7	5.0
Agency Law and Rules	4	3.0
Regulation of Broker Activities	8	6.0
Document Handling and Recordkeeping	4	4.0
Property Management	8	6.0
Oregon Real Estate Related Statutes	14	12.0

THIS IS NOT A LICENSE. Do not conduct professional real estate activity until you are notified by the Oregon Real Estate Agency that you are licensed.

- Your fingerprint results can take up to 4 weeks to reach the Agency.
- The Agency will receive your exam scores in 3 business days.
- Check the status of your license application by logging in to your eLicense account at <https://orea.elicense.irondata.com..>
- Passing exam scores and background clearances are good for 1 year. The Agency can only issue a license while your scores and background clearance are valid.
- The requirements for your specific license can be found via the "Get a License" link at www.oregon.gov/rea.
- Once all license requirements are completed, including association to a registered business name (RBN), the Agency will issue a license.

This score report is provided as a record of your scores. Do not send it to the Real Estate Agency.



Robert Tessmer <roberhtessmer@gmail.com>

Oregon Real Estate Principal Broker Application Received Confirmation

1 message

Oregon Real Estate Agency <noreply_rea@rea.state.or.us>
Reply-To: Oregon Real Estate Agency <orea.info@oregon.gov>
To: Robert Henry Tessmer <roberhtessmer@gmail.com>

Wed, Feb 6, 2019 at 2:31 PM

Dear Robert Henry Tessmer,

The Oregon Real Estate Agency has received your principal real estate broker license application. You may provide a copy of this e-mail to your real estate school as proof that you have submitted your license application to the Agency.

- Your applicant ID number is #201231455. Please keep this number for future use when contacting the Agency.
- Check your application status by logging into your eLicense account at <https://orea.elicense.irondata.com/>. Your license requirements will display under the Application Status tab.
- Agency records show that you must complete the following education from approved course providers to be eligible to take the principal broker license exam (only courses completed on or after January 1, 2013 qualify):
 - The broker pre-license course of study, consisting of 7 courses for a total of 150 hours, and
 - The 40-hour Brokerage Administration and Sales Supervision course.
- For more information on license requirements, please visit [Principal Broker License Requirements](#).

IMPORTANT NOTE: You are NOT actively licensed as a principal broker at this time. You cannot conduct professional real estate activity as a principal broker until you are actively licensed as one.

Oregon Real Estate Agency
530 Center St. NE Ste. 100
Salem, OR 97301
(503) 378-4170
www.rea.state.or.us
orea.info@state.or.us



DEPARTMENT OF VETERANS AFFAIRS
810 Vermont Ave NW
Washington, D.C. 20420

July 08, 2020

Robert H Tessmer
933 Hiatt St
Lebanon, OR 97355

In Reply Refer to:
xxx-xx-5281
27/eBenefits

Dear Mr. Tessmer:

This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as state or local property or vehicle tax relief, civil service preference, to obtain housing entitlements, free or reduced state park annual memberships, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter is considered an official record of your VA entitlement.

Our records contain the following information:

Personal Claim Information

Your VA claim number is: xxx-xx-5281

You are the Veteran.

Military Information

Your most recent, verified periods of service (up to three) include:

Branch of Service	Character of Service	Entered Active Duty	Released/Discharged
Navy	Honorable	November 02, 1981	August 05, 1988

(There may be additional periods of service not listed above.)

VA Benefit Information

You have one or more service-connected disabilities:

Yes

Your combined service-connected evaluation is:

Your current monthly award amount is:

The effective date of the last change to your current award was:

You are considered to be totally and permanently disabled due solely to your service-connected disabilities:

You should contact your state or local office of Veterans' affairs for information on any tax, license, or fee-related benefits for which you may be eligible. State offices of Veterans' affairs are available at <http://www.va.gov/statedva.htm>.

How You Can Contact Us

- If you need general information about benefits and eligibility, please visit us at <https://www.ebenefits.va.gov> or <http://www.va.gov>.
- Call us at 1-800-827-1000. If you use a Telecommunications Device for the Deaf (TDD), the number is 1-800-

Oregon Real Estate Board

Experience Requirement Waiver Request

Date: 11/10/20
 Name: Eric Zeche
 Address: 15013 NW Elsie Ct Portland OR 97229
 Daytime Phone Number: 503-662-2946 Oregon License Number: 20121716

GENERAL INFORMATION AND DOCUMENTATION

- I am seeking an experience requirement waiver to become a real estate PRINCIPAL BROKER.
(ORS 696.022 and OAR 863-014-0040)
- I am currently licensed as a real estate broker in Oregon: Yes ☒ No ☐
 If yes, please state the dates for which you held an Oregon real estate license: 9/23/2019 to Current
 Was your Oregon license obtained through a reciprocal agreement with another state? Yes ☐ No ☒
- I am currently licensed or have held a real estate license in another state that was issued by the state's licensing authority: Yes ☐ No ☒. Indicate the following

Type of License	State Issued	Dates Active License Held	
		From:	To
		From:	To
		From:	To

4. Per OAR 863-014-0040 and OAR 863-014-0042, I have:

	Yes	No	Date Completed	Additional Required Information	Agency Use Only
Completed the "Broker Administration and Sales Supervision" course for principal real estate brokers. Must be completed PRIOR to waiver request.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>2/26/2020</u>	Attach original course certificate.	
Submitted the Real Estate License Application for Principal Broker license and \$300 fee. Must be completed PRIOR to waiver request.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>2/23/2020</u>	Attach copy of confirmation letter from Agency.	
Successfully passed the Oregon Principal Broker exam. Must be completed PRIOR to waiver request.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>11/1/2020</u>	National Score: <u>67/80</u> State Score: <u>42/50</u>	
Graduated from a four-year college or university with a degree in real estate curriculum approved by the Commissioner. (863-014-0042)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>September 2019</u>	Attach official transcript to request, if any.	
Graduated with a two-year community college associates degree in real estate curriculum approved by the Commissioner. (863-014-0042)	<input type="checkbox"/>	<input checked="" type="checkbox"/>		Attach official transcript, if any.	
Substantial real estate-related experience equivalent to at least 3 years active licensed experience. Include any real estate designations achieved. (OAR 863-014-0042)	<input checked="" type="checkbox"/>	<input type="checkbox"/>		Attach a written details about your additional real estate experience that would assist in the Board's consideration of your waiver request.	

	Yes	No	Date Completed	Additional Required Information	Agency Use Only
Included the number and type of real estate transactions (listings and transactions that were closed) I have completed while holding a real estate license in Oregon or in another state.	✓			Attach a document showing the number and types of transactions you have completed while licensed, if any.	

REQUIRED DOCUMENTS

Listed below are the required documents to be included in the request for an experience waiver.

1. Your letter requesting a waiver of the three year active licensed experience. This letter should:
 - o State the reason for the request, including the compelling reason why you cannot wait to complete the three years of active licensed experience.
 - o Indicate the real estate experience you have that would be an acceptable substitute for the three years of required experience.
 - o Explain how you obtained the knowledge and expertise to adequately manage a real estate business, which includes supervising Oregon real estate licensees and handling clients' trust accounts.
2. Required documentation listed above in the General Information and Documentation section #4.

HELPFUL DOCUMENTS

The following information is helpful, but not required, for the Board to thoroughly evaluate your request:

- o Letters of reference pertaining to your real estate experience
- o Letters of reference from current or past supervising principal brokers
- o Supervisory experience
- o Familiarity and experience in other related industries: escrow, title, mortgage, etc.

OTHER REQUIREMENTS

- You will be required to attend the Oregon Real Estate Board meeting when this waiver is discussed. The Board schedule will be communicated in follow-up correspondence upon receipt of your documents.
- Be prepared to answer questions from the Board to support your request.
- Waiver requests must be received at the agency no less than 21 days before the board meets.
- You must email all documents, including this completed and signed "Experience Requirement Waiver Request," to madeline.c.alvarado@state.or.us.

IMPORTANT NOTE: All documents submitted become part of the Board Packet and, therefore, public record. The Agency highly recommends that you remove/redact any confidential information on your documents, such as your social security number, date of birth, and credit card information. Please do not put the packet into any type of folder or binding.

Please direct any questions to Madeline Alvarado at 503-378-4590 or madeline.c.alvarado@state.or.us.

I certify that the above information is true to the best of my knowledge.



 Signature of Waiver Applicant

11/16/20

 Date

2020 BOARD MEETING DATES

MEETING DATE

February 3, 2020
 April 6, 2020
 June 1, 2020
 August 3, 2020
 October 5, 2020
 December 7, 2020

LOCATION

Eugene
 Teleconference
 Teleconference
 Videoconference
 Videoconference
 Videoconference

WAIVER PACKET DUE DATE

January 13, 2020
 March 16, 2020
 May 11, 2020
 July 13, 2018
 September 14, 2018
 November 16, 2018

To the Oregon Real Estate Agency,

This letter is supplemental to my request to have the 3 year license requirement waived to apply for a principal broker's license in OR.

I have been in the real estate industry since childhood. My family owns and operates multiple businesses relating to real estate sales, development, finance, property management, development, insurance and leasing. I have been working and performing for these companies since I was in high school as they are all operated out of the same corporate office.

- **Financial Services Unlimited Inc.** is a mortgage finance company originating mortgages for both real and chattel property (Manufactured homes on leased land) in 48 states, now OR, WA, CA, and TX.
- **Financial Service Insurance** is a P & C Insurance agency to insure P & C in OR and WA.
- **Financial Services Properties, & Willamette Equity Group** owns and operates multiple commercial properties in OR. I have been involved in tenant relations and property management. In our family held companies, I have performed due diligence and underwriting for development feasibility. Upon becoming a broker I have completed price opinions and listed WEG's inventory for sale.
- **Willamette Homes** I am responsible for business development that specializes in the affordable housing market. My responsibilities are both wholesale and retail sales activities. Private land development & in park development and existing listing sales in parks within OR and WA is the main scope of our business. This company works in conjunction with privately held finance and insurance companies. With this company, I work with both buyers, sellers, manufactured home park owners and oversee multiple in-house sales agents for the sales of manufactured homes. I also work with local jurisdictions and independent contractors for development permits of new manufactured homes on property. I directly work with Oregon Energy Trust in the replacement and expansion of their affordable housing programs and work with several private held investment firms to redevelop communities. These new homes are either spec development or private sales to consumers. We provide over 20 new houses a year in development of parks, subdivisions and private consumers in addition to the in park listings from Vancouver, WA down to Eugene, OR

The supplemental form "Resume" is a limited resume. This includes my time at DR Horton where I managed 10+ subdivisions and 1,000 lots/homes in OR & WA. My project management role was to supplement the acquisition, due diligence and construction of new land or finished subdivisions from start to finish, with the majority of my projects in North Bethany OR and Vancouver, WA.

In addition, please see the attached file "Diploma" which was awarded to me from Portland State University for the completion of Master Degree in Real Estate Development. We extensively studied

Eric Zechenelly
OREA Education Waiver Request
11/2/2020

finance, building construction, policy, developmental, law, and economics. We also performed multiple projects and proposals for developers in OR along with presenting our analysis for King City's expansion plan under the UGB rezoning.

I hope the attached forms and this document show that I have sufficient knowledge and experience in the real estate industry. If more information is needed to approve my request to waive the 3 year requirement, please let me know at the contact information below. As pursuant to ORE 863-014-0042

Eric Zechenelly
503 662 2946
ericzechenelly@gmail.com

FINANCIAL SERVICES GROUP OF COMPANIES

Oregon Real Estate Board
530 Center Street NE Suite 100
Salem, OR 97301

November 9, 2020

RE: Eric Zechenelly Principal Broker Request

Dear Real Estate Board,

The referenced party has asked me for a letter outlining his professional work experience during his tenure with our group of Companies which supports the affordable housing and commercial real estate markets. As a privately held family group of Companies, Eric has been immersed in the housing and commercial real estate markets while growing up. He has gained invaluable practical business experience ranging from personal property home sales, site development, consumer finance & insurance coordination for homes sales and commercial property management. Please refer to the Exhibit A which summarizes his recent home sales activity with Pacific Homes NW LLC dba Willamette Homes, which is most germane to his Principal Broker request.

Eric's practical business experience and advanced education has created a solid foundation for a professional Real Estate Principal Broker in an ever-evolving real estate industry.

Should you have any questions, please contact me at 503-810-9449.

Sincerely,



Bruce Zechenelly
President/Managing Member

BAZ/yr

Attachment

Financial Services Insurance, Inc # 100161577 – Financial Services Properties, Inc.
Financial Services Unlimited, Inc. NMLS #3242 – Pacific Homes NW, LLC dba Willamette
Homes #MSD 152 – Willamette Equity Group, LLC

6/1/2018-Current

Personal Property Transaction History EXHIBIT "A"

[illegible]

10/2/2019-Current

Real Property Transaction History EXHIBIT "B"

<i>Sold</i>			<i>Current Listing</i>		
Cornelius	\$	430,000	Beaverton	\$	784,000
	\$	430,000		\$	784,000

Gross Total	\$	430,000		\$	784,000
-------------	----	---------	--	----	---------

Eric Zechenelly

15013 NW Elaina Ct, Portland
OR 97229
(503) 334 7879
ericzechenelly@gmail.com

EXPERIENCE

Willamette Homes, Beaverton, OR- Business & Land
Development
2018 - Present

Sales of manufactured homes in parks both new and existing, rehab homes, park redevelopment, and private land development. Also performed functions dedicated to assisting sister companies Financial Series Unlimited, Financial Services Insurance, Financial Services Property & Willamette Equity Group

D.R. Horton Inc. -Portland, Portland, OR - Project Manager
Land Development
2017 - 2018

Managing new subdivisions and oversaw projects budgets in excess of \$50 million. Managed governmental agency relationships with permit planning, performance bonds and final development with subcontractors.

Financial Services Unlimited & Willamette Homes,
Beaverton, OR— Project Analyst & Building Operations
2009 - 2017

Colliers International, Portland, OR—Internship
2015 Summer

EDUCATION

Portland State University, Portland, OR -Master of Real
Estate Development (MRED)
2019

Portland State University, Portland, OR—BS Business:
Leadership/ Management Focus & Student Athlete
2017

Montana State, Bozeman, MT—*Marketing Focus & Student
Athlete*
2015 - 2016

Clark College, Vancouver, WA-AA *Transfer & Student Athlete*
2013 - 2014

Volunteer

SOLVE Oregon

**Little Bobcat Track and
Field Montana State
Bozeman, MT**

**Montana Boys and Girls
Club of America,
Bozeman, MT**

**CASA Court Appointed
Foster Advocate
Portland, OR**

Portland State University

Portland



Oregon

On recommendation of the University Faculty, and by the authority of the State of Oregon, Portland State University hereby confers upon

Eric S Zechenelly
the degree of

Master of Real Estate Development

With all the rights and privileges appertaining thereto. Given on this Seventeenth Day of August, Two Thousand and Nineteen.

George S. Munkley
President of the Board

Steph P.
President of the University



Portland State UNIVERSITY

SSN *****1478

PSU ID 945829888

Date of Birth: 06-OCT

Date Issued: 17-SEP-2020

Record of: Eric S Zechenelly

Page: 1

Issued To: Eric Zechenelly
Parchment DocumentID: 30518196

COURSE LEVEL: Graduate	SUBJ NO.	COURSE TITLE	CRED GRD	PTS R
High School: SUNSET HS 13-JUN-2013	Institution Information continued:			
First Admit: Fall 2017 Quarter	RE 539	REAL ESTATE VALUATION I	4.00 A-	14.68
Last Admit: Spring 2018 Quarter	USP 624	DEVELOPMENT PROJECT DESIGN	3.00 B-	8.01
Current Major(s):	Ehrs: 8.00	GPA-Hrs: 7.00	Qpts: 22.69	GPA: 3.24
Major : Real Estate Development	Winter 2019 Quarter			
Degrees Awarded : Master of Real Estate Devlp 17-AUG-2019	RE 510	TOP: ECONOMICS & REAL ESTATE	1.00 P	0.00
College : The School of Business	RE 522	REAL ESTATE FINANCE II	4.00 C+	9.32
Major : Real Estate Development	USP 529	GREEN BUILDINGS I	3.00 A-	11.01
	Ehrs: 8.00	GPA-Hrs: 7.00	Qpts: 20.33	GPA: 2.90
SUBJ NO.	COURSE TITLE	CRED GRD	PTS R	
INSTITUTION CREDIT:				
Fall 2017 Quarter				
USP 538	REAL ESTATE LAW	3.00 A	12.00	
USP 612	COMMUNITY, PLANNING, & ETHICS	4.00 A-	14.68	
Ehrs: 7.00	GPA-Hrs: 7.00	Qpts: 26.68	GPA: 3.81	
Winter 2018 Quarter				
USP 523	REAL ESTATE DEV I	4.00 B+	13.32	
USP 569	SUSTAINABLE CITIES & REGIONS	4.00 B	12.00	
Ehrs: 8.00	GPA-Hrs: 8.00	Qpts: 25.32	GPA: 3.16	
Spring 2018 Quarter				
RE 521	REAL ESTATE FINANCE I	4.00 A	16.00	
RE 573	HOUSING ECONOMICS	4.00 B-	10.68	
Ehrs: 8.00	GPA-Hrs: 8.00	Qpts: 26.68	GPA: 3.33	
Summer 2018 Quarter				
RE 548	REAL ESTAT MARKET ANALYSIS	3.00 A-	11.01	
Ehrs: 3.00	GPA-Hrs: 3.00	Qpts: 11.01	GPA: 3.67	
Fall 2018 Quarter				
RE 531	EXEC PERSPECTIVES REAL ESTATE	1.00 P	0.00	
***** CONTINUED ON NEXT COLUMN *****				
Spring 2019 Quarter				
USP 510	TOP: REAL ESTATE DEVELOP II	3.00 B+	9.99	
USP 527	DOWNTOWN REVITALIZATION	3.00 B+	9.99	
Ehrs: 6.00	GPA-Hrs: 6.00	Qpts: 19.98	GPA: 3.33	
Summer 2019 Quarter				
RE 562	REAL ESTATE DEVELOP WKSH	4.00 A	16.00	
USP 563	REAL ESTATE CONSTRUCTION	3.00 B+	9.99	
Ehrs: 7.00	GPA-Hrs: 7.00	Qpts: 25.99	GPA: 3.71	
Last Standing: Grad Good Standing				
***** TRANSCRIPT TOTALS *****				
Earned Hrs GPA Hrs Points GPA				
TOTAL INSTITUTION 55.00 53.00 178.68 3.37				
***** END OF TRANSCRIPT *****				



This official transcript does not require a raised seal.

Cynthia H. Baccar

Cynthia H. Baccar
Registrar
Portland State University

Oregon Real Estate Agency

OR Principal Broker - State

Zechenelly, Eric
11950 SW 2nd St #300
Beaverton, OR 97005
USA

CANDIDATE ID NUMBER: *****1716
EXAMINATION DATE: 11/02/2020
CONTROL ID: 500177885
BOOKING ID: Z9K8Y8MP

Congratulations. You have **passed** this examination. Your score is **42**.
The passing score is **38**.

Content Area	Your Score	Max Score
License Law and Disciplinary Measures	5	7
Handling of Clients' Funds	3	5
Agency Law and Rules	5	5
Regulation of Broker Activities	7	8
Document Handling and Recordkeeping	4	4
Property Management	4	6
Oregon Real Estate Related Statutes	14	15
TOTAL	42	50

THIS IS NOT A LICENSE. Do not conduct professional real estate activity until you are notified by the Oregon Real Estate Agency that you are licensed.

- Your fingerprint results can take up to 4 weeks to reach the Agency.
- The Agency will receive your exam scores in 3 business days.
- Check the status of your license application by logging in to your eLicense account at <https://orea.elicense.irondata.com>.
- Passing exam scores and background clearances are good for 1 year. The Agency can only issue a license while your scores and background clearance are valid.
- The requirements for your specific license can be found via the "Get a License" link at www.oregon.gov/rea.
- Once all license requirements are completed, including association to a registered business name (RBN), the Agency will issue a license.

Oregon Real Estate Agency

Real Estate Broker

Score Report



Eric Zechenelly

11950 SW 2nd St #300

Beaverton, Oregon 97005

Candidate ID: XXX-XX-1716

Exam: OR Principal Broker Exam - OR Principal Broker - National

Exam Date: 10/01/2020

PASSING SCORE: 1.0 (75%)

YOUR SCORE: 67.0

GRADE: PASS

Congratulations! You have passed the **OR Principal Broker - National Examination**.

The following is an analysis of your performance on the examination. For a detailed description of the subject matter included within each Topic, please refer to the PSI Candidate Information Bulletin.

Topic	Number of Questions	Number Correct
Topic 1	1	0.0

THIS IS NOT A LICENSE. Do not conduct professional real estate activity until you are notified by the Oregon Real Estate Agency that you are licensed.

- Your fingerprint results can take up to 4 weeks to reach the Agency.
- The Agency will receive your exam scores in 3 business days.
- Check the status of your license application by logging in to your eLicense account at <https://orea.elicense.irondata.com..>
- Passing exam scores and background clearances are good for 1 year. The Agency can only issue a license while your scores and background clearance are valid.
- The requirements for your specific license can be found via the "Get a License" link at www.oregon.gov/rea.
- Once all license requirements are completed, including association to a registered business name (RBN), the Agency will issue a license.

This score report is provided as a record of your scores. Do not send it to the Real Estate Agency.



4742 Liberty Road S, # 410

Salem OR 97302

CONTINUING EDUCATION CERTIFICATE OF COMPLETION

Eric Zechenelly

License Number: 201231716

3058 Brokerage Administration And Sales Supervision

Credit Hours: 40 Hours

Oregon Certified Continuing Education Provider # 201213655

I affirm that the licensee completed the above named course, I am authorized to provide this information on behalf of the Certified Continuing Education Provider and that it is true and accurate, to the best of my knowledge.

A1 Superior Schools

Course Hours: 40 Hours

Date: 2/26/2020 | Event Location: Online

Subject: Oregon Real Estate Principal Broker Application Received Confirmation
From: "Oregon Real Estate Agency" <noreply_rea@rea.state.or.us>
Date: Sun, Feb 23, 2020 5:01 pm
To: "Eric Zechenelly" <info@willamettehome.com>

Dear Eric Zechenelly,

The Oregon Real Estate Agency has received your principal real estate broker license application. You may provide a copy of this e-mail to your real estate school as proof that you have submitted your license application to the Agency.

- Your applicant ID number is #201231716. Please keep this number for future use when contacting the Agency.
- Check your application status by logging into your eLicense account at <https://orea.elicense.micropact.com/>. Your license requirements will display under the Application Status tab.
- Agency records show that you must complete the following education from approved course providers to be eligible to take the principal broker license exam (only courses completed on or after January 1, 2013 qualify):
 - The 40-hour Brokerage Administration and Sales Supervision course.course.
- For more information on license requirements, please visit [Principal Broker License Requirements](#).

IMPORTANT NOTE: You are NOT actively licensed as a principal broker at this time. You cannot conduct professional real estate activity as a principal broker until you are actively licensed as one.

Oregon Real Estate Agency
530 Center St. NE Ste. 100
Salem, OR 97301
(503) 378-4170
<http://www.oregon.gov/rea>
orea.info@state.or.us

To the Oregon Real Estate Agency,

This letter is supplemental to my request to have the 3 year license requirement waived to apply for a principal broker's license in OR.

I have been in the real estate industry since childhood. My family owns and operates multiple businesses relating to real estate sales, development, finance, property management, development, insurance and leasing. I have been working and performing for these companies since I was in high school as they are all operated out of the same corporate office.

- **Financial Services Unlimited Inc.** is a mortgage finance company originating mortgages for both real and chattel property (Manufactured homes on leased land) in 48 states, now OR, WA, CA, and TX.
- **Financial Service Insurance** is a P & C Insurance agency to insure P & C in OR and WA.
- **Financial Services Properties, & Willamette Equity Group** owns and operates multiple commercial properties in OR. I have been involved in tenant relations and property management. In our family held companies, I have performed due diligence and underwriting for development feasibility. Upon becoming a broker I have completed price opinions and listed WEG's inventory for sale.
- **Willamette Homes** I am responsible for business development that specializes in the affordable housing market. My responsibilities are both wholesale and retail sales activities. Private land development & in park development and existing listing sales in parks within OR and WA is the main scope of our business. This company works in conjunction with privately held finance and insurance companies. With this company, I work with both buyers, sellers, manufactured home park owners and oversee multiple in-house sales agents for the sales of manufactured homes. I also work with local jurisdictions and independent contractors for development permits of new manufactured homes on property. I directly work with Oregon Energy Trust in the replacement and expansion of their affordable housing programs and work with several private held investment firms to redevelop communities. These new homes are either spec development or private sales to consumers. We provide over 20 new houses a year in development of parks, subdivisions and private consumers in addition to the in park listings from Vancouver, WA down to Eugene, OR

The supplemental form "Resume" is a limited resume. This includes my time at DR Horton where I managed 10+ subdivisions and 1,000 lots/homes in OR & WA. My project management role was to supplement the acquisition, due diligence and construction of new land or finished subdivisions from start to finish, with the majority of my projects in North Bethany OR and Vancouver, WA.

In addition, please see the attached file "Diploma" which was awarded to me from Portland State University for the completion of Master Degree in Real Estate Development. We extensively studied

Eric Zechenelly
OREA Education Waiver Request
11/2/2020

finance, building construction, policy, developmental, law, and economics. We also performed multiple projects and proposals for developers in OR along with presenting our analysis for King City's expansion plan under the UGB rezoning.

I hope the attached forms and this document show that I have sufficient knowledge and experience in the real estate industry. If more information is needed to approve my request to waive the 3 year requirement, please let me know at the contact information below. As pursuant to ORE 863-014-0042

Eric Zechenelly
503 662 2946
ericzechenelly@gmail.com

FINANCIAL SERVICES GROUP OF COMPANIES

Oregon Real Estate Board
530 Center Street NE Suite 100
Salem, OR 97301

November 9, 2020

RE: Eric Zechenelly Principal Broker Request

Dear Real Estate Board,

The referenced party has asked me for a letter outlining his professional work experience during his tenure with our group of Companies which supports the affordable housing and commercial real estate markets. As a privately held family group of Companies, Eric has been immersed in the housing and commercial real estate markets while growing up. He has gained invaluable practical business experience ranging from personal property home sales, site development, consumer finance & insurance coordination for homes sales and commercial property management. Please refer to the Exhibit A which summarizes his recent home sales activity with Pacific Homes NW LLC dba Willamette Homes, which is most germane to his Principal Broker request.

Eric's practical business experience and advanced education has created a solid foundation for a professional Real Estate Principal Broker in an ever-evolving real estate industry.

Should you have any questions, please contact me at 503-810-9449.

Sincerely,



Bruce Zechenelly
President/Managing Member

BAZ/yr

Attachment

Financial Services Insurance, Inc # 100161577 – Financial Services Properties, Inc.
Financial Services Unlimited, Inc. NMLS #3242 – Pacific Homes NW, LLC dba Willamette
Homes #MSD 152 – Willamette Equity Group, LLC

6/1/2018-Current

Personal Property Transaction History EXHIBIT "A"

[illegible]

10/2/2019-Current

Real Property Transaction History EXHIBIT "B"

<i>Sold</i>			<i>Current Listing</i>		
Cornelius	\$	430,000	Beaverton	\$	784,000
	\$	430,000		\$	784,000

Gross Total	\$	430,000		\$	784,000
-------------	----	---------	--	----	---------

Eric Zechenelly

15013 NW Elaina Ct, Portland
OR 97229
(503) 334 7879
ericzechenelly@gmail.com

EXPERIENCE

Willamette Homes, Beaverton, OR- Business & Land Development
2018 - Present

Sales of manufactured homes in parks both new and existing, rehab homes, park redevelopment, and private land development. Also performed functions dedicated to assisting sister companies Financial Series Unlimited, Financial Services Insurance, Financial Services Property & Willamette Equity Group

D.R. Horton Inc. -Portland, Portland, OR - Project Manager Land Development
2017 - 2018

Managing new subdivisions and oversaw projects budgets in excess of \$50 million. Managed governmental agency relationships with permit planning, performance bonds and final development with subcontractors.

Financial Services Unlimited & Willamette Homes, Beaverton, OR— Project Analyst & Building Operations
2009 - 2017

Colliers International, Portland, OR—Internship
2015 Summer

EDUCATION

Portland State University, Portland, OR -Master of Real Estate Development (MRED)
2019

Portland State University, Portland, OR—BS Business: Leadership/ Management Focus & Student Athlete
2017

Montana State, Bozeman, MT—Marketing Focus & Student Athlete
2015 - 2016

Clark College, Vancouver, WA-AA Transfer & Student Athlete
2013 - 2014

Volunteer

SOLVE Oregon

Little Bobcat Track and Field Montana State Bozeman, MT

Montana Boys and Girls Club of America, Bozeman, MT

CASA Court Appointed Foster Advocate Portland, OR

Portland State University

Portland



Oregon

On recommendation of the University Faculty, and by the authority of the State of Oregon, Portland State University hereby confers upon

Eric S Zechenelly

the degree of

Master of Real Estate Development

With all the rights and privileges appertaining thereto. Given on this Seventeenth Day of August, Two Thousand and Nineteen.

Gregory S. Munkley
President of the Board

Stephen P. ...
President of the University



Portland State UNIVERSITY

SSN *****1478

PSU ID 945829888

Date of Birth: 06-OCT

Date Issued: 17-SEP-2020

Record of: Eric S Zechenelly

Page: 1

Issued To: Eric Zechenelly
Parchment DocumentID: 30518196

COURSE LEVEL: Graduate	SUBJ NO.	COURSE TITLE	CRED GRD	PTS R
High School: SUNSET HS 13-JUN-2013	Institution Information continued:			
First Admit: Fall 2017 Quarter	RE 539	REAL ESTATE VALUATION I	4.00 A-	14.68
Last Admit: Spring 2018 Quarter	USP 624	DEVELOPMENT PROJECT DESIGN	3.00 B-	8.01
Current Major(s):	Ehrs: 8.00	GPA-Hrs: 7.00	Qpts: 22.69	GPA: 3.24
Major : Real Estate Development	Winter 2019 Quarter			
Degrees Awarded : Master of Real Estate Devlp 17-AUG-2019	RE 510	TOP: ECONOMICS & REAL ESTATE	1.00 P	0.00
College : The School of Business	RE 522	REAL ESTATE FINANCE II	4.00 C+	9.32
Major : Real Estate Development	USP 529	GREEN BUILDINGS I	3.00 A-	11.01
	Ehrs: 8.00	GPA-Hrs: 7.00	Qpts: 20.33	GPA: 2.90
SUBJ NO.	COURSE TITLE	CRED GRD	PTS R	
INSTITUTION CREDIT:				
Fall 2017 Quarter				
USP 538	REAL ESTATE LAW	3.00 A	12.00	
USP 612	COMMUNITY, PLANNING, & ETHICS	4.00 A-	14.68	
Ehrs: 7.00	GPA-Hrs: 7.00	Qpts: 26.68	GPA: 3.81	
Winter 2018 Quarter				
USP 523	REAL ESTATE DEV I	4.00 B+	13.32	
USP 569	SUSTAINABLE CITIES & REGIONS	4.00 B	12.00	
Ehrs: 8.00	GPA-Hrs: 8.00	Qpts: 25.32	GPA: 3.16	
Spring 2018 Quarter				
RE 521	REAL ESTATE FINANCE I	4.00 A	16.00	
RE 573	HOUSING ECONOMICS	4.00 B-	10.68	
Ehrs: 8.00	GPA-Hrs: 8.00	Qpts: 26.68	GPA: 3.33	
Summer 2018 Quarter				
RE 548	REAL ESTAT MARKET ANALYSIS	3.00 A-	11.01	
Ehrs: 3.00	GPA-Hrs: 3.00	Qpts: 11.01	GPA: 3.67	
Fall 2018 Quarter				
RE 531	EXEC PERSPECTIVES REAL ESTATE	1.00 P	0.00	
***** CONTINUED ON NEXT COLUMN *****				
Spring 2019 Quarter				
USP 510	TOP: REAL ESTATE DEVELOP II	3.00 B+	9.99	
USP 527	DOWNTOWN REVITALIZATION	3.00 B+	9.99	
Ehrs: 6.00	GPA-Hrs: 6.00	Qpts: 19.98	GPA: 3.33	
Summer 2019 Quarter				
RE 562	REAL ESTATE DEVELOP WKSH	4.00 A	16.00	
USP 563	REAL ESTATE CONSTRUCTION	3.00 B+	9.99	
Ehrs: 7.00	GPA-Hrs: 7.00	Qpts: 25.99	GPA: 3.71	
Last Standing: Grad Good Standing				
***** TRANSCRIPT TOTALS *****				
Earned Hrs GPA Hrs Points GPA				
TOTAL INSTITUTION 55.00 53.00 178.68 3.37				
***** END OF TRANSCRIPT *****				



This official transcript does not require a raised seal.

Cynthia H. Baccar

Cynthia H. Baccar
Registrar
Portland State University

Oregon Real Estate Agency

OR Principal Broker - State

Zechenelly, Eric
11950 SW 2nd St #300
Beaverton, OR 97005
USA

CANDIDATE ID NUMBER: *****1716
EXAMINATION DATE: 11/02/2020
CONTROL ID: 500177885
BOOKING ID: Z9K8Y8MP

Congratulations. You have **passed** this examination. Your score is **42**.
The passing score is **38**.

Content Area	Your Score	Max Score
License Law and Disciplinary Measures	5	7
Handling of Clients' Funds	3	5
Agency Law and Rules	5	5
Regulation of Broker Activities	7	8
Document Handling and Recordkeeping	4	4
Property Management	4	6
Oregon Real Estate Related Statutes	14	15
TOTAL	42	50

THIS IS NOT A LICENSE. Do not conduct professional real estate activity until you are notified by the Oregon Real Estate Agency that you are licensed.

- Your fingerprint results can take up to 4 weeks to reach the Agency.
- The Agency will receive your exam scores in 3 business days.
- Check the status of your license application by logging in to your eLicense account at <https://orea.elicense.irondata.com>.
- Passing exam scores and background clearances are good for 1 year. The Agency can only issue a license while your scores and background clearance are valid.
- The requirements for your specific license can be found via the "Get a License" link at www.oregon.gov/rea.
- Once all license requirements are completed, including association to a registered business name (RBN), the Agency will issue a license.

Oregon Real Estate Agency

Real Estate Broker

Score Report



Eric Zechenelly

11950 SW 2nd St #300

Beaverton, Oregon 97005

Candidate ID: XXX-XX-1716

Exam: OR Principal Broker Exam - OR Principal Broker - National

Exam Date: 10/01/2020

PASSING SCORE: 1.0 (75%)

YOUR SCORE: 67.0

GRADE: PASS

Congratulations! You have passed the **OR Principal Broker - National Examination**.

The following is an analysis of your performance on the examination. For a detailed description of the subject matter included within each Topic, please refer to the PSI Candidate Information Bulletin.

Topic	Number of Questions	Number Correct
Topic 1	1	0.0

THIS IS NOT A LICENSE. Do not conduct professional real estate activity until you are notified by the Oregon Real Estate Agency that you are licensed.

- Your fingerprint results can take up to 4 weeks to reach the Agency.
- The Agency will receive your exam scores in 3 business days.
- Check the status of your license application by logging in to your eLicense account at <https://orea.elicense.irondata.com..>
- Passing exam scores and background clearances are good for 1 year. The Agency can only issue a license while your scores and background clearance are valid.
- The requirements for your specific license can be found via the "Get a License" link at www.oregon.gov/rea.
- Once all license requirements are completed, including association to a registered business name (RBN), the Agency will issue a license.

This score report is provided as a record of your scores. Do not send it to the Real Estate Agency.



4742 Liberty Road S, # 410

Salem OR 97302

CONTINUING EDUCATION CERTIFICATE OF COMPLETION

Eric Zechenelly

License Number: 201231716

3058 Brokerage Administration And Sales Supervision

Credit Hours: 40 Hours

Oregon Certified Continuing Education Provider # 201213655

I affirm that the licensee completed the above named course, I am authorized to provide this information on behalf of the Certified Continuing Education Provider and that it is true and accurate, to the best of my knowledge.

A1 Superior Schools

Course Hours: 40 Hours

Date: 2/26/2020 | Event Location: Online

Subject: Oregon Real Estate Principal Broker Application Received Confirmation
From: "Oregon Real Estate Agency" <noreply_rea@rea.state.or.us>
Date: Sun, Feb 23, 2020 5:01 pm
To: "Eric Zechenelly" <info@willamettehome.com>

Dear Eric Zechenelly,

The Oregon Real Estate Agency has received your principal real estate broker license application. You may provide a copy of this e-mail to your real estate school as proof that you have submitted your license application to the Agency.

- Your applicant ID number is #201231716. Please keep this number for future use when contacting the Agency.
- Check your application status by logging into your eLicense account at <https://orea.elicense.micropact.com/>. Your license requirements will display under the Application Status tab.
- Agency records show that you must complete the following education from approved course providers to be eligible to take the principal broker license exam (only courses completed on or after January 1, 2013 qualify):
 - The 40-hour Brokerage Administration and Sales Supervision course.course.
- For more information on license requirements, please visit [Principal Broker License Requirements](#).

IMPORTANT NOTE: You are NOT actively licensed as a principal broker at this time. You cannot conduct professional real estate activity as a principal broker until you are actively licensed as one.

Oregon Real Estate Agency
530 Center St. NE Ste. 100
Salem, OR 97301
(503) 378-4170
<http://www.oregon.gov/rea>
orea.info@state.or.us

SSN *****1478

PSU ID 945829888

Date of Birth: 06-OCT

Date Issued: 17-SEP-2020

Record of: Eric S Zechenelly

Page: 1

Issued To: Eric Zechenelly
Parchment DocumentID: 30518196

Course Level: Undergraduate				SUBJ NO.	COURSE TITLE	CRED GRD	PTS R
High School: SUNSET HS 13-JUN-2013				Institution Information continued:			
Only Admit: Fall 2016 Quarter							
Current Major(s):				Spring 2017 Quarter			
Major : Bus Adm: Mgmt & Leadership				BA 385	BUSINESS ENVIRONMENT	4.00 C+	9.32
Degrees Awarded : Bachelor of Science 19-AUG-2017				MGMT 351	HUMAN RESOURCE MGMT	4.00 B+	13.32
College : The School of Business				MGMT 428	TEAM PROCESSES	4.00 A	16.00
Major : Bus Adm: Mgmt & Leadership				MGMT 445	ORG DESIGN & CHANGE	4.00 B	12.00
				Ehrs: 16.00 GPA-Hrs: 16.00 Qpts: 50.64 GPA: 3.16			
SUBJ NO.	COURSE TITLE	CRED GRD	PTS R	Summer 2017 Quarter			
				BA 495	BUSINESS STRATEGY	6.00 A	24.00
				MGMT 399	SPST: MS OFFICE SKILLS PROFIC	4.00 B	12.00
				MGMT 464	CONTEMPORARY LEADERSHIP ISSUES	4.00 B-	10.68
				Ehrs: 14.00 GPA-Hrs: 14.00 Qpts: 46.68 GPA: 3.33			
TRANSFER CREDIT:				Last Standing: Good Standing			
201304-1404	CLARK C			***** TRANSCRIPT TOTALS *****			
Ehrs: 3.00							
INSTITUTION CREDIT:							
					Earned Hrs	GPA Hrs	Points GPA
				TOTAL INSTITUTION	66.00	66.00	219.96 3.33
				***** END OF TRANSCRIPT *****			
Winter 2013 Quarter							
WR 121	COLLEGE WRITING	4.00 C	8.00				
Ehrs: 4.00	GPA-Hrs: 4.00	Qpts: 8.00	GPA: 2.00				
Fall 2016 Quarter							
BA 303	BUSINESS FINANCE	4.00 B	12.00				
BA 325	COMPETING W/INFO TECHNOLOGY	4.00 B+	13.32				
SCI 334U	CLIMATE VARIABILITY	4.00 A	16.00				
WR 227	INTRO TECHNICAL WRTG	4.00 A	16.00				
Ehrs: 16.00	GPA-Hrs: 16.00	Qpts: 57.32	GPA: 3.58				
Winter 2017 Quarter							
BA 301	RSRCH & ANALYSIS BUS PROBLEMS	4.00 B	12.00				
BA 339	OPERATIONS & QUALITY MGMT	4.00 B+	13.32				
G 340U	LIFE OF THE PAST	4.00 A	16.00				
G 341U	GEOL OF OREGON COUNTRY	4.00 A	16.00				
Ehrs: 16.00	GPA-Hrs: 16.00	Qpts: 57.32	GPA: 3.58				
***** CONTINUED ON NEXT COLUMN *****							



This official transcript does not require a raised seal.

Cynthia H. Baccar

Cynthia H. Baccar
Registrar
Portland State University

Portland State University

Portland



Oregon

On recommendation of the University Faculty, and by the authority of the
State of Oregon, Portland State University hereby confers upon


Eric S Zechenelly

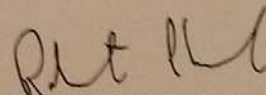
the degree of

Bachelor of Science

Business Administration: Management and Leadership

With all the rights and privileges appertaining thereto. Given on this
Nineteenth Day of August, Two Thousand and Seventeen.


President of the Board


President of the University

Real Estate Agency

Chapter 863

Division 14

REAL ESTATE BROKER LICENSING

863-014-0042

Waiver of Experience Requirements

- (1) If an applicant for a principal real estate broker's license has met all requirements for such license except for the experience requirement, the applicant may petition the Real Estate Board for a waiver of the three-year experience requirement contained in ORS 696.022, and 863-014-0040. The petition must contain sufficient information to allow the Board to determine whether the applicant qualifies for a waiver as allowed by this rule.
- (2) The applicant must file a petition to waive the experience requirement on an Agency-approved form with the Agency no later than 21 days before the scheduled Real Estate Board meeting at which the applicant wishes the Board to act.
- (3) The Board may issue a waiver if the applicant:
- (a) Has graduated from a four-year college or university with a degree in real estate in a curriculum approved by the Commissioner, and the applicant has held an active license as a real estate broker for a period of at least one year; or
 - (b) Has a two-year community college associate degree in real estate in a curriculum approved by the Commissioner, has held an active license as a real estate broker for a period of at least two years and, if the applicant is applying for a principal real estate broker license, the applicant has completed the course of study for principal real estate brokers as required by OAR 863-014-0040; or
 - (c) Has had real estate-related experience equivalent to at least three years of active experience as a real estate licensee and provides written details about the nature of such experience.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.020 & 696.022

History:

[REA 15-2018, minor correction filed 01/05/2018, effective 01/05/2018](#)

REA 1-2009, f. 12-15-09, cert. ef. 1-1-10

REA 5-2008, f. 12-15-08, cert. ef. 1-1-09

[Please use this link to bookmark or link to this rule.](#)

[OARD Home](#)

[Search Current Rules](#)

[Search Filings](#)

[Access the Oregon Bulletin](#)

[Access the Annual Compilation](#)

[FAQ](#)

[Rules Coordinator / Rules
Writer Login](#)



David J. Malcolm, JD • MBA
1511 SW Skyline Blvd., Portland, OR 97221-2502
T 503-805-9587 • F 503-222-3291 • info@malcolm-law.com

January 29, 2021

Oregon Real Estate Agency
530 Center Street NE #100
Salem, OR 97301

Via email to oreo.info@state.or.us and leandra.hagedorn@oregon.gov

RE: Eric Zechenelly, principal broker licensee applicant

Dear Oregon Real Estate Board:

I'm writing on behalf of my client, Eric Zechenelly, who's applying for a principal broker's license. Since Eric has less than three years' experience as a broker, he applied for a waiver of experience in accordance with OAR 863-014-0042 (3)(a). Other than those years of broker experience, Eric meets all requirements for a principal broker's license.

Eric applied for the experience waiver under OAR 863-014-0042 (3)(a) and not OAR 863-014-0042 (3)(c). OAR 863-014-0042 (3)(a) lists the requirements as follows:

"(3) The Board may issue a waiver if the applicant:

- (a) Has graduated from a four-year college or university with a degree in real estate in a curriculum approved by the Commissioner, and the applicant has held an active license as a real estate broker for a period of at least one year; or"

OAR 863-014-0042 (3)(a) has three requirements:

- Graduating from a four-year university;
- Obtaining a Commissioner approved degree in real estate; and
- At least one year's experience as a broker.

Eric met the OAR 863-014-0042 (3)(a) requirements by the following actions:

- Eric graduated from Portland State University ("PSU") with bachelor's and master's degrees (see Exhibit A, Diplomas);
- Eric earned a Master of Real Estate Development ("MRED") from PSU. PSU's MRED is Commissioner approved; and
- Eric has been a licensed broker since October 2019 (see Exhibit B, Broker License).

Thus, **Eric meets all requirements of OAR 863-014-0042 (3)(a) to obtain an experience waiver.**

Eric's waiver request is unique in that the basis of his request is OAR 863-014-0042 (3)(a) and not OAR 863-014-0042 (3)(c). My research revealed that the Board considered 14 experience waiver applications in the last five years (2016-20). It appears that all such applications (except Eric's application) are based upon OAR 863-014-0042 (3)(c) and none (except Eric's application) are based upon OAR 863-014-0042 (3)(a). It's no surprise that in every such application the Board was primarily concerned with the applicant's experience and such experience (or a lack of it) is a reasonable basis for approving (or denying) applications based upon the three years' broker's experience required by OAR 863-014-0040. It appears that Eric's (lack of) experience (in the Board's view) was a primary factor in the Board denying Eric's application last quarter.

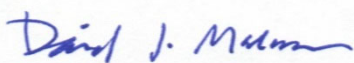
While suitable experience is an essential factor in OAR 863-014-0042 (3)(c)¹, such experience is not included in (and is omitted from) OAR 863-014-0042 (3)(a).

Although the real estate related experience is not a factor in an OAR 863-014-0042 (3)(a) experience waiver application, Eric has the following real estate related experience:

- Oversaw over 50 client trust accounts at the manufactured home dealership in a 36-month period;
- Developed real estate for manufactured homes on private real estate and manufactured home parks;
- Coordinated construction and land use matters with local jurisdictions, contractors and architects while building over 1,000 homes in 10 subdivisions when working for DR Horton in a 16-month period;
- Completed 25 and oversaw 64 manufactured home sales in a 30-month period;
- Supervised three manufactured home sales agents in Oregon and Washington for three years; and
- Coordination with local jurisdictions and contractors to obtain permits to develop properties and site manufactured homes;

In summary, Eric meets all OAR 863-014-0042 (3)(a) for an experience waiver; Eric graduated from a four-year university (PSU) with a Commissioner approved degree (MRE) and he's been a licensed broker for over a year (16 months). Besides meeting the OAR 863-014-0042 (3)(a) requirements, Eric has relevant real estate related experience with affordable housing. I respectfully urge the Board to approve Eric's experience waiver application.

Sincerely,



David J. Malcolm
Attorney

enclosures

ADDED

¹ OAR 863-014-0042 (3)(c) states the following:

“(3) The Board may issue a wavier if the applicant:

* * * * *

(c) Has had real estate-related experience equivalent to at least three years of active experience as a real estate licensee and provides written details about the nature of such experience.”

Portland State University

Portland



Oregon

On recommendation of the University Faculty, and by the authority of the State of Oregon, Portland State University hereby confers upon

Terence J. Schenelly

Bachelor of Science

Business Administration: Management and Leadership

With all the rights and privileges appertaining thereto. Given on this Nineteenth Day of August, Two Thousand and Seventeen.

[Signature]
President of the Board

[Signature]
President of the University

Portland State University

Portland



Oregon

On recommendation of the Faculty, and by the authority of the State of Oregon, Portland State University hereby confers upon

Eric Zepherally

the degree of

Master of Real Estate Development

With all the rights and privileges appertaining thereto. Given on this Seventeenth Day of August, Two Thousand and Nineteen.

Gregory A. Hunkley
President of the Board

Shirley P.
President of the University



Oregon Real Estate Agency

Scroll down to see Disciplinary Actions for the listed licensee. If Disciplinary Actions do not appear, it means the Agency has no record of administrative actions taken on this licensee.

Lookup Detail View

Name and Address

Name	Alternative Name Used in Advertising	Address
Eric Zechenelly	N/A	11950 SW 2nd St Beaverton, OR 97005

License Information

License	License Type	Expiration Date	Status
201231716	Broker	10/31/2022	ACTIVE

Affiliated With

Name	Address	License	License Type	Status	Affiliation Date
WESTLAND REALTY	PO Box 339 PO BOX 339 ESTACADA, OR 97023 0000	201231716	Registered Business Name	ACTIVE	09/23/2019

Generated on: 1/29/2021 12:10:20 PM

Governor's State Employees Food Drive

*Neighbors
Helping
Neighbors*

February 2021



Ways to participate:

- Make a payroll deduction
- Participate in fundraisers
- Write a check
- Meet the Governor's Challenge by donating monthly

**OREGON
FOOD BANK
NETWORK**



Contact Us:

- FoodDrive@oregon.gov
- [Facebook.com/OGSEFD](https://www.facebook.com/OGSEFD)
- [Oregon.gov/FoodDrive](https://www.oregon.gov/FoodDrive)



Governor's State Employees Food Drive



Regional Food Banks Donation Links

Please use the links below to donate directly to Regional Food Banks via Credit Card

Regional Food Bank	Counties Served
ACCESS Food Share	Jackson
CAPECO	Gilliam, Morrow, Umatilla, Wheeler
CCA Regional Food Bank	Clatsop
Clark County Food Bank	Clark
Columbia Pacific Food Bank	Columbia
Community Connection	Union, Baker, Grant, Wallowa
FOOD For Lane County	Lane
Food Share of Lincoln County	Lincoln
Josephine County Food Bank	Josephine
Klamath-Lake Counties Food Bank	Klamath, Lake
Linn Benton Food Share	Linn, Benton
Marion-Polk Food Share	Marion, Polk
Columbia Gorge Food Bank	Hood River, Sherman, Wasco
NeighborImpact	Crook, Deschutes, Jefferson
Oregon Food Bank - Portland Metro area*	Multnomah, Clackamas
Oregon Food Bank - Southeast Oregon Services*	Harney, Malheur
Oregon Food Bank - Tillamook County Services*	Tillamook
Oregon Food Bank - Washington County Services*	Washington
South Coast Food Share (a program of Oregon Coast Community Action)	Coos, Curry
Feeding Umpqua (a program of UCAN/United Community Action Network)	Douglas
YCAP (Yamhill Community Action Partnership) Food Bank	Yamhill

* Donations made through the Oregon Food Bank link will be distributed to the remote branches based on ZIP code. If you would like your donation to go to a remote branch not in your area, you may write the name of that branch in the comment section of your donation.

If you have any questions, contact the Food Drive Committee or refer to our website at www.oregon.gov/fooddrive.

Automatic Donation Designation Form.docx

**REAL ESTATE BOARD
REGULATION DIVISION REPORT
February 1, 2021**

Regulation Division Manager: Vacant

Compliance Specialists 3 (Compliance Coordinator): Rob Pierce, Meghan Lewis

Financial Investigators (Investigator-Auditor): Jeremy Brooks, Aaron Grimes, Liz Hayes (WOC), Lisa Montellano, Cidia Nañez, Lindsey Nunes, John Moore, Frances Hlawatsch (Temporary)

Compliance Specialist 2: Carolyn Kalb

Division Overview

The Agency receives complaints and determines if an investigation is warranted. Open cases are assigned to investigators to gather facts (from interviews and documents), prepare a detailed written report and submit for Administrative Review. The Compliance Coordinators conducting the Administrative Review work evaluate whether the evidence supports charging a person with a violation of Agency statutes or administrative rules. When a case is found to have sufficient cause to sanction a license, the case is elevated to the Commissioner for review. When a sanction is supported by the Commissioner, the Compliance Coordinators conduct a settlement conferences to resolve cases without a contested case hearing. If a hearing is requested, the Investigator works with the Assistant Attorney General in preparing for and presenting the case at hearing.

Personnel

The Regulations Division Manager position remains vacant. Deputy Commissioner Higley is acting in the manager role with Commissioner Strode overseeing Administrative Actions. The Agency expects to recruit for the management position in June 2021.

Effective January 14th, 2021 Meghan Lewis was promoted from a Financial Investigator to a Compliance Coordinator in a permanent capacity following 10 months in the position as a work out of class. The key duties of this role include: reviewing investigative reports, providing guidance and direction to investigators and elevating cases for potential sanction to the Commissioner. The position also has the authority to determine case resolutions of no action and education letter of advice, as well as represent the Agency in settlement conferences with respondents.

The Agency is currently recruiting to fill the vacant Financial Investigator position.

Workload and Activity Indicators

<u>Average # in this Status at the time</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>Current 1/25/21</u>
Complaint	40	44	33	25	20	26	19	19	19
Investigation***	50	56	73	66	64	87	76	57	57
(# of Investigators)	6	7	7	7	7*	6-7**	7	8	8
Admin Review	27	33	28	40	35	61	21	4	4
Settlement Process	19	22	38	34	45	46	23	11	11

* One investigator on medical leave.

** One investigator on medical leave, then retired. Late 2019 vacancy was filled.

***Pending queue retired in 2020. All cases are directly assigned to an investigator rather than being held in a pending status.

ADMINISTRATIVE ACTIONS
Reported
11/11/2020 through 1/25/2021

REVOCATIONS

SUSPENSIONS

Lyell, Phillip A (Portland), Broker 810504147, Final Order by Default dated January 14, 2021, issuing a 6 month suspension from January 19, 2021 through July 18, 2021.

REPRIMANDS

Tomko, Matthew A. (Turner), Broker 201216867, Stipulated Final Order dated December 3, 2020, issuing a reprimand.

Buschmann, Margaret Ann (Portland), Principal Broker 200601397, Stipulated Final Order dated December 14, 2020, issuing a reprimand.

CIVIL PENALTIES

Expired — Late Renewal civil penalties are computed using each 30-day period as a single offense. The civil penalty for the first 30-day period can range from \$100-\$500, with each subsequent 30-day period ranging from \$500-\$1,000. ORS 696.990

Hemstreet, Jon Dover, (Sheridan), Principal Broker 200411160, Stipulated Final Order dated January 25, 2021, issuing a \$1,500.00 civil penalty.

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
REAL ESTATE AGENCY**

IN THE MATTER OF:

PHILLIP LYELL

) **FINAL ORDER BY DEFAULT**
)
) OAH Case No. 2020-ABC-03933
) Agency Case No. 2018-636
)
)

Upon request of the Real Estate Agency (REA), the Office of Administrative Hearings (OAH) assigned an Administrative Law Judge (ALJ) for the purpose of conducting a limited hearing on the issue of whether there was due cause for Respondent Phillip A. Lyell's late hearing request submitted in regards to the above entitled matter. Following the limited hearing on the issue of due cause for the late hearing request, the ALJ issued a Proposed Order on December 3, 2020, recommending that the Agency find that: Respondent Phillip Lyell's request for hearing on the Notice of Intent to Suspend License No. 810504147 and Notice of Opportunity for Hearing (Notice) issued June 25, 2020, is denied as untimely. As will be discussed herein, the Commissioner agrees with the ALJ's recommendation and adopts it as his own, finding herein that Respondent Phillip Lyell's request for hearing on the Notice is denied.

Given, the finding herein, that Respondent's late hearing request was untimely and is denied, the Agency may now finds that Respondent is in default as to the entire matter at hand and the Agency may, therefore, issue a *Final Order By Default* in this matter.

For ease of reference, the Commissioner chooses to modify, through expansion, the ALJ's Proposed Order adding in the information necessary to convert the proposed order into a final order on the matter of the limited hearing and also into a Final Order By Default for the entire proceeding. The addition/subtraction of language, noted herein, does not change the ALJ's Proposed Order on the limited issue of whether Respondent had good cause for his failure to timely request a hearing in a "substantial manner". ORS 183.650(2) and OAR 137-003-0665(3).

HISTORY OF THE CASE

On June 25, 2020, the Oregon Real Estate Agency (REA) issued a Notice of Intent to Suspend License No. 810504147 and Notice of Opportunity for Hearing, which proposed the suspension of Phillip Lyell's real estate license for alleged violations of ORS 696.301(3) as it incorporates OAR 863-015-0210(1)(1-1-2018 Edition), OAR 863-015-0250(1)(c)(6-16-2016 Edition), OAR 863-015-0250(2)(1-1-2018 Edition), ORS 696.805(2)(a)(2015 and 2017 Editions), (7), (12), (14) and (15); ORS 696.396(2)(c)(B), (C), and (D); and OAR 863-027-

0020(1) and (2).¹ On July 20, 2020, Mr. Lyell requested a hearing.

Included within the *Notice* at Section 9., pages 10-11, was a statement to the effect that should Respondent fail to request a hearing within 20 days from the mailing date of the notice that his right to a hearing would be considered waived and the Agency may issue a final order by default and impose the sanctions in the notice against him. It also stated that: “Lyell’s submissions to the Agency to date regarding the subject of this disciplinary case and all information in the Agency’s files relevant to the subject of this case 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).²

Respondent failed to submit a request for hearing within 20 days of the service of the *Notice* upon him.

On July 27, 2020, REA referred the matter to the Office of Administrative Hearings (OAH) for a limited hearing regarding the timeliness of Mr. Lyell’s hearing request. OAH assigned Administrative Law Judge (ALJ) Bradley A. Schmidt to preside over the matter.

On October 19, 2020, ALJ Schmidt convened a telephone hearing. Mr. Lyell appeared without counsel and testified. Senior Assistant Attorney General Catriona McCracken represented REA. Carolyn Kalb appeared for REA and testified on its behalf. The ALJ closed the record at the end of the hearing.

On December 3, 2020, ALJ Schmidt issued a Proposed Order recommending that the Commissioner find: Respondent Phillip Lyell’s request for hearing on the Notice of Intent to Suspend License No. 810504147 and Notice of Opportunity for Hearing (Notice) issued June 25, 2020, is denied as untimely.

Respondent Lyell did not file any *Exceptions* to the ALJ’s *Proposed Order*.

The Commissioner, pursuant to ORS 183.417(4) and OAR 137-003-0670, now issues a *Final Order By Default* in this matter. This *Final Order By Default* **suspends Respondent Phillip A. Lyell’s License No. 810504147 for six months commencing at 12:01 a.m. January 19, 2021 and ending at 11:59 pm July 18, 2021.**

ISSUES

Whether Mr. Lyell filed a timely request for hearing and, if not, whether he had good cause for failing to file his request within the time limit set forth in the Notice of Intent to Suspend License No. 810504147 and Notice of Opportunity for Hearing. ORS 183.415(3)(a); OAR 137-003-0501(7); OAR 137-003-0528(1)(b)(A).

Whether the Commissioner may issue a Final Order By Default in the above entitled matter subjecting Respondent to discipline pursuant to ORS 696.301(3),(7),(12),(14), and (15)

¹ Pleadings P1 to P5.

² Pleadings P2 pages 11 and 12.

for violations of ORS 696.301(3),(7),(12),(14), and (15); ORS 696.396(2)(c)(B), (C), and (D); and OAR 863-027-0020(1) and (2).

EVIDENTIARY RULINGS

Exhibits A1 through A11 and Pleadings P1 through P30, offered by REA, were admitted into the record without objection. Exhibits R1 and R2, submitted by Mr. Lyell, were also admitted into the record without objection.

Respondent Lyell's submissions to the Agency to date regarding the subject of this disciplinary case and all information in the Agency's files relevant to the subject of this case 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).³

STATEMENT OF THE LAW

1. ORS 696.301(3) which 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
2. ORS 696.301(3) as it incorporates:
 - a. OAR 863-015-0210(1) (1-1-2018 Edition), which states: (1) disclosed limited agency agreements required by ORS 696.815 must be in writing, signed and dated by the parties to be bound or by their duly appointed real estate agents.
 - b. OAR 863-015-0250(1)(c) (6-16-2016, 11-15-2016 and 1-1-2018 Editions), which states (1) complete and adequate records of professional real estate activity include complete, legible, and permanent copies of all documents required by law or voluntarily generated during a real estate transaction, including all offers received by or through real estate brokers or principal brokers to the client, including, but not limited to, the following: (c) a copy of any written agreement for the listing, sale, purchase, rental, lease, lease option, or exchange of real property generated by a real estate broker or principal broker while engaging in professional real estate activity that must be signed by all parties to such an agreement.
 - c. OAR 863-015-0250(2) (1-1-2018 Edition), which states (2) When a real estate broker receives any document referred to in (1) of this rule, the real estate broker must transmit to the real estate broker's principal broker the document within 3 banking days of real estate broker's receipt of the document.

³ Pleadings P2 pages 11 and 12.

- d. ORS 696.805(2)(a) (2015 and 2017 Editions), which states: (2) 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.
- e. ORS 696.810(2)(b) (2017 Edition), which states (2) a buyer's agent owes the buyer, other principals and the principal's agents involved in a real estate transaction the following affirmative duties: (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 part to a contract to purchase.
- 3. ORS 696.301(7) (2017 Edition), which states licensee's real estate license may be disciplined if they have: (7) intentionally interfered with the exclusive representation or exclusive brokerage relationship of another real estate licensee.
- 4. ORS 696.301(12) which 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.
- 5. ORS 696.301(14), which states a licensee's real estate license can be disciplined if they have: (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.
- 6. ORS 696.301(15) states a licensee's real estate license can be disciplined if they have: (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.
- 7. OAR 137-003-0528(1) states, in relevant part:
 - (a) The agency must accept a properly addressed hearing request that was not timely filed if it was postmarked within the time specified for timely filing * * *.
 - (b) The agency may accept any other late hearing request only if:
 - (A) There was good cause for the failure to timely request the hearing[.]

OAR 137-003-0501(7) states:

For purposes of OAR 137-003-0501 to 137-003-0700, "good cause" exists when an action, delay, or failure to act arises from an excusable mistake,

surprise, excusable neglect, reasonable reliance on the statement of a party or agency relating to procedural requirements, or from fraud, misrepresentation, or other misconduct of a party or agency participating in the proceeding.

FINDINGS OF FACT

1. Mr. Lyell last renewed his real estate broker license, number 810504147, on December 27, 2018. (Ex. A11 at 3-4; test. of Kalb.) As required by REA, Mr. Lyell provided updated contact information, including his mailing address, 4718 SE 28th Place, Portland, Oregon, 97202; his phone number, (503) 577-4721; and his email address, phillyell@cbbain.com. (Ex. A11 at 3-4, 7; test. of Kalb.) After the renewal, Mr. Lyell's real estate broker license was not set to expire until December 31, 2020. (Ex. A11 at 3.)

2. Between December 27, 2018, and June 25, 2020, Mr. Lyell did not provide any new or updated contact information to REA. (Ex. A11 at 4; test. of Kalb.)

3. On June 25, 2020, staff at REA mailed two copies of a Notice to Suspend License No. 810504147 and Notice of Opportunity for Hearing (Notice) to Mr. Lyell at 4718 SE 28th Place, Portland, Oregon, 97202. REA mailed one copy of the Notice via certified mail and the other via regular U.S. mail. REA also emailed a copy of the Notice to Mr. Lyell at phillyell@cbbain.com. (Ex. A10 at 4; test. of Kalb.) The Notice included a cover letter and certificate of mailing that were both dated June 25, 2020. (Exs. A9 at 1, A10 at 4; test. of Kalb.) The Notice stated that Mr. Lyell had a right to request a hearing, but that the request must be in writing and must be filed within 20 days of the Notice's date of mailing. (Ex. A9 at 1; test. of Lyell, Kalb.)

4. Mr. Lyell received and read the Notice sent by regular U.S. mail on July 1, 2020.⁴ He called REA regarding the notice and left a voicemail message for REA commissioner Steve Strode. (Ex. A10 at 6; test. of Lyell.) REA compliance specialist Carolyn Kalb returned Mr. Lyell's call and left him a voicemail in response to his inquiries, but Mr. Lyell did not receive this voicemail message. (Test. of Lyell, Kalb.)

5. Between July 1, 2020 and approximately July 13, 2020, Mr. Lyell attempted to speak with an REA investigator about the Notice by calling REA. (Test. of Lyell.) However, he

⁴ Mr. Lyell initially testified that he received and read the Notice on July 6, 2020. As such, there is no dispute that Mr. Lyell received the Notice no later than July 6, 2020. However, Mr. Lyell also testified that he called REA commissioner Steve Strode on the day he received the notice, and according to the REA records submitted into evidence, Mr. Lyell made his initial call to Mr. Strode regarding the Notice on July 1, 2020. (Ex. A10 at 6.) Ms. Kalb testified that she added the record regarding the July 1, 2020, telephone call on the date the conversation occurred, not retrospectively on a later date. (Test. of Kalb.) When asked about the discrepancy between his testimony and the REA records, Mr. Lyell conceded that his receipt of the Notice and his conversation with Mr. Strode could well have occurred on July 1, 2020. Because of REA's contemporaneous record of the call and Mr. Lyell's concession, the preponderance of the evidence established that Mr. Lyell received the Notice on July 1, 2020.

was unable to reach an investigator, and REA did not receive any voicemail messages from him during this period. (Ex. A10 at 6; test. of Lyell, Kalb.)

6. On approximately July 14, 2020, Mr. Lyell left a voicemail message for Mr. Strode in which Mr. Lyell indicated that he was going to request a hearing on the proposed license suspension. (Ex. A10 at 6.) When Mr. Strode informed Ms. Kalb of this message on July 14, 2020, Ms. Kalb called Mr. Lyell that same day at (503) 577-4721 and left him a voicemail stating⁵ that the request must be in writing. (Exs. A10 at 6, A11 at 1; test. of Lyell, Kalb.) The same day, Ms. Kalb also sent the following email to Mr. Lyell at phillyell@cbbain.com:

This email is to follow-up the voicemail message I left you earlier today.

A request for hearing MUST be made in writing. Please review the Notice of Intent for instructions on how to submit a written hearing request.

The written hearing request must be made by close of business (5:00pm) tomorrow, July 15, 2020. If the Agency does not receive a written request for hearing, the Agency will proceed to issue a Final Order by Default.

(Ex. A7 at 1 (emphasis in original, highlighting omitted).)

7. Mr. Lyell received and listened to Ms. Kalb's voicemail, and received and read Ms. Kalb's email, prior to 5:00 p.m. on July 15, 2020. Because he still had questions about the Notice, he decided not to request a hearing at that time. (Test. of Lyell.)

8. On July 20, 2020, Mr. Lyell called REA and left a voicemail for Ms. Kalb. (Ex. A10 at 6; test. of Kalb.) On that same date, Mr. Lyell also called and spoke with REA investigator Liz Hayes and Mr. Strode regarding the Notice. (Exs. A9 at 1, A10 at 6; test. of Kalb.) In response to Mr. Lyell's voicemail, Ms. Kalb called Mr. Lyell the same day and left him a voicemail stating that the deadline for requesting a hearing on the Notice had already passed. (Ex. A10 at 6; test. of Kalb.)

9. Later on July 20, 2020, Mr. Lyell sent an email to Ms. Kalb requesting a hearing on the Notice. (Test. of Kalb.)⁶

10. On August 18, 2020, the U.S. Postal Service returned to REA the copy of the Notice sent via certified mail after unsuccessful delivery attempts on June 30, 2020 and July 22, 2020. (Test. of Kalb.)

⁵ Ms. Kalb advised upon reading the Proposed Order that her phone call of July 14, 2020 did not include the timeline and language "stating that he had until the following day to make a request for hearing and" but that the rest of this Finding of Fact is correct. Exhibit A10 page 6, first and third entries for 7-14-2020, provides clear and convincing evidence for Ms. Kalb's requested change to this finding of fact. ORS 183.650(3); OAR 137-003-0665(3), (4).

⁶ Mr. Lyell's July 20, 2020, email did not explicitly request a hearing; rather, it stated that Mr. Lyell would be making a separate written request for hearing. (See Pleading P7 at 1.) However, at hearing, REA conceded that Mr. Lyell's July 20, 2020, email amounted to a written hearing request.

11. 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. ORS 696.775,

12. At all times mentioned herein, Lyell was licensed as a broker, doing professional real estate activity under the registered business name Coldwell Banker Bain. (Ex. A11)

13. On November 5, 2018, Christopher LaPointe (LaPoint) submitted a written complaint against Lyell and the Agency opened an investigation. (P2 and Agency Record)

14. On August 31, 2017, Lyell entered into a listing agreement with Kelly Sterns (Sterns), a court-appointed referee for the Eng Estate to assist in selling two lots in Rainer Oregon. One lot, was .89 acres, Tax ID 22102 (lot A), and the other was 1.39 acres. Tax ID 22105 (lot B). (P2 and Agency Record)

15. The agreed commission was 6% and the listing was to expire on November 30, 2017. (P2 and Agency Record)

16. The listing expired on December 1, 2017, and placed back on the market on December 5, 2017. Lyell provided a change order extending the expiration date, signed by Sterns on December 30, 2017, noting a new expiration date of December 30, 2017, the listing expired the same day. (P2 and Agency Record)

17. On February 13, 2018, the property was placed back on the market; however, a change order extending the listing was not signed by Sterns until March 16, 2018, noting a new expiration date of March 16, 2018; the listing expired the same day. (P2 and Agency Record)

18. On June 18, 2018, Lyell notified Sterns the property had been placed back on the market; however, RMLS records show the property was expired at the time and not put back on the market as active until July 19, 2018. There was no change order or addendum included in Lyell's file to extend the listing. (P2 and Agency Record)

19. Around or on August 15, 2018, LaPointe was brought on to co-list the lots and it was determined that Lyell would list Lot B and LaPoint would list Lot A. According to an "Agreement to List and Co-Share Commission between Offices," Coldwell Banker Bain and Lyell agreed to release their listing for Lot A and allow Pacific Pro Realty to list the lot beginning August 15, 2018. The commissions derived from the selling of either or both properties would be split equally between the two companies. The agreement was not dated or signed. (P2 and Agency Record)

20. On August 15, 2018, Sterns signed an exclusive right to sell listing agreement

with LaPointe for Lot A. On August 24, 2018, Sterns signed an addendum withdrawing the original listing with Lyell. (P2 and Agency Record)

21. On August 29, 2018, LaPointe prepared an offer on behalf of Gary and Mary Howell (Howells) for the purchase of Lot A, the lot listed by LaPointe. (P2 and Agency Record)

22. On September 2, 2018, Lyell removed Lot A from the original listing, lowered the price and placed the listing back on the market (this time for just lot B) Lyell did all of this without an addendum to the listing agreement. (P2 and Agency Record)

23. On September 3, 2018, Lyell wrote an offer on behalf of Margaret Eng (Eng) to purchase lots A and B on a single purchase agreement. On the final agency acknowledgement section of the sales agreement Lyell was named as the buyer's agent. The seller's agent section was blank and no agency relationship box was marked. The CB Bain file included a sign disclosed limited agency agreement for the sellers but none for the buyers. (P2 and Agency Record)

24. The September 3, 2018, sales agreement also failed to note that Christopher LaPointe (LaPointe), was a party to the contract as the listing agent for Lot A. (P2 and Agency Record)

25. On September 8, 2018, Clatsop County Circuit Court accepted M. Eng's offer and put Howells' offer in a back-up position. On September 14, 2018, Sterns signed the Eng offer. Sterns emailed Lyell a copy of the signed offer, but LaPointe was not included as a recipient. LaPointe asked Lyell for a copy of the sales agreement multiple times, however Lyell did not provide it. (P2 and Agency Record)

26. Since LaPointe was not noted on the sales agreement, escrow would not release any of the contract documents to him regarding the transaction. On October 4, 2018, Lyell sent LaPointe an email stating the easiest solution would be to pay LaPointe a referral fee. LaPointe agreed and signed the referral agreement on October 5, 2018, and he cancelled his listing for Lot A that same day in RMLS. (P2 and Agency Record)

27. The agreed referral prepared by Lyell was based on a total commission of 8%, 4.5% on the listing side, split 50/50 based on the sales price of \$285,000. (P2 and Agency Record)

28. On October 15, 2018, the transaction closed, and Coldwell Banker Bain received \$20,300 in commission. This amount was 7.12% of the sales price, \$3,200 more than the 6% commission noted on Lyell's listing agreement. (P2 and Agency Record)

29. As the Buyer's agent, Lyell received a 3.5% commission totaling \$9,975. However, Lyell's listing agreement stated a 2.5% commission paid to the Buyer's agent, a difference of \$2,850. There was no documentation in Lyell's file noting a change of commission. (P2 and Agency Record)

30. Lyell was late in transmitting the signed listing agreement and purchase agreement to his principal broker, Ward Spears (Spears) for review. The Listing Checklist for the transaction was noted that the listing was turned in late, and dated August 13, 2018, nearly a year after Lyell and Sterns entered into a listing contract. (P2 and Agency Record)

31. On October 5, Lyell and Spears received an email stating the documents had been uploaded into SkySlope to be reviewed by the principal broker. On October 11, 2018, Spears reviewed and approved the transaction file. (P2 and Agency Record)

32. All of the above violations demonstrate incompetence or untrustworthiness in performing acts for which Lyell is required to hold a license. Additionally, the above violations show Lyell engaged in dishonest conduct substantially related to the fitness of a real estate licensee to conduct professional real estate activity. Lastly the above violations show Lyell engaged in conduct below the standard of care for the practice of professional real estate activity in Oregon. (P2 and Agency Record)

33. In October 2013, Lyell's license was reprimanded and he was required to complete the 150 hour broker pre-license course and submit documentation showing completion within 6 months of the stipulated order. The stipulated order notes Lyell engaged in property management activity without the supervision of his principal broker and notes numerous violations relating to property management activity. As of April 18, 2014, Lyell failed to provide proof of completing the required education. As a result, the Agency issued a second stipulated order, resulting in an immediate suspension of 30 days at the minimum, with the length of the suspension based on how soon Lyell provided proof of the completed education. This stipulated order was signed by the Commissioner on April 21, 2014, with a date of service of April 22, 2014. On May 21, 2014, the suspension was lifted after Lyell provided proof the required education was complete. (P2 and Agency Record)

34. Lyell failed to obtain the seller's written instruction to change the listing information for Lots A and B in multiple occasions. (P2 and Agency Record)

35. Lyell failed to have Margaret Eng sign a disclosed limited agency agreement for the buyers. (P2 and Agency Record)

36. Lyell failed to include LaPointe as a listing agent on the sales agreement. (P2 and Agency Record)

37. Lyell failed to provide a copy of the sales agreement to LaPointe, a party to the transaction. (P2 and Agency Record)

38. Lyell failed to have any written documentation noting a change in commission from the listing agreement. (P2 and Agency Record)

39. Lyell failed to submit the signed listing agreement and purchase agreement to his principal broker for review within the required time frame. (P2 and Agency Record)

40. All of the above violations show Lyell demonstrated incompetence or untrustworthiness in performing acts for which Lyell is required to hold a license. Additionally, the above violations show Lyell engaged in dishonest conduct substantially related to the fitness of a real estate licensee to conduct professional real estate activity. Lastly the above violations show Lyell engaged in conduct below the standard of care for the practice of professional real estate activity in Oregon. (P2 and Agency Record)
41. In summary, the facts above establish grounds to suspend Lyell's broker license.

CONCLUSION OF LAW

1. Mr. Lyell did not file a timely request for hearing and did not have good cause for failing to file his request within the time limit set forth in the Notice of Intent to Suspend License No. 810504147 and Notice of Opportunity for Hearing.
2. Pursuant to ORS 183.417(4) and OAR 137-003-0670 Lyell is in default.
3. The material facts establish a violation of a ground for discipline under ORS 696.301 as set forth in the *Notice of Intent to Suspend*.
4. Based on these violations, the Agency may suspend Lyell's broker license.
5. Specifically, Lyell is subject to discipline pursuant to ORS 696.301(3),(7),(12),(14), and (15). A suspension of Lyell's broker license is appropriate for violations of ORS 696.301(3),(7),(12),(14), and (15), which states in part a 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; (7) intentionally interfered with the exclusive representation or exclusive brokerage relationship of another real estate licensee; (12) demonstrated incompetence or untrustworthiness in performing any act for which the 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.
6. A suspension of Lyell's broker license is appropriate under ORS 696.396(2)(c)(B),(C), and (D). According to ORS 696.396(2)(c)(B),(C), and (D) 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; (C) exhibits dishonesty or fraudulent

conduct; (D) repeats conduct or an act that is substantially similar to conduct or an act for which the real estate licensee was disciplined previously.

7. Based on the evidence in the record, the preponderance of the evidence weighs in favor of the suspension of Lyell's broker license.
8. The Agency may, therefore, suspend Lyell's broker license.

OPINION

The Late Request for Hearing

Mr. Lyell contests REA's determination that he did not file a timely request for hearing and did not have good cause to extend the filing deadline. As the proponent of the position that he filed a timely hearing request, or had good cause for failing to do so, Mr. Lyell bore the burden of proving these positions by a preponderance of the evidence. ORS 183.450(2), (5); *see also Dixon v. Board of Nursing*, 291 Or App 207, 213 (2018) (declaring that facts must be proven by a preponderance of the evidence in administrative actions). Proof by a preponderance of the evidence means that the fact finder is convinced that the facts asserted are more likely true than false. *Riley Hill General Contractor v. Tandy Corp.*, 303 Or 390, 402 (1987). For the reasons that follow, I conclude that Mr. Lyell failed to meet his burden of showing that he either filed a timely hearing request or had good cause to file a late request..

Timeliness of the Hearing Request

REA does not have a rule specifying the timeline for filing a request for hearing on a suspension notice such as that issued in the present matter. However, ORS 183.145 governs the notice that an administrative agency must provide when taking action such as a license suspension, and ORS 183.145(3)(a) specifies that the notice must contain a "statement of the party's right to hearing, with a description of the procedure and time to request a hearing." Additionally, OAR 137-003-0505(1)(f)(A)⁷ states that a notice issued under ORS 183.145 shall contain a "statement of the procedure and time to request a hearing." Under these provisions, REA was allowed to specify the deadline and procedure for requesting a hearing on the Notice itself.

Here, the Notice gave Mr. Lyell 20 days from the mailing date of the Notice to make his request and required that the request be made in writing. There is no dispute that REA mailed the

⁷ OAR chapter 137, division 3, contains the Model Rules of Procedure for Contested Cases. Under the REA procedural rules, OAR 863-001-0005, REA explicitly adopted "Model Rules OAR 137-001-0005 through 137-005-0070 bearing the effective date of January 1, 2008." In addition, under ORS 145.630(1), the Model Rules apply to "all contested case hearings conducted by administrative law judges assigned from the Office of Administrative Hearings." Under OAR 137-003-0000, "[w]hen an administrative law judge assigned from the Office of Administrative Hearings conducts a contested case hearing for the agency, the proceedings shall be conducted pursuant to OAR 137-003-0501 to 137-003-0700." Therefore, the notice provisions of OAR 137-003-0505 apply to the present proceeding.

Notice on June 25, 2020, via both regular and certified mail to Mr. Lyell's address of record (and also emailed it to Mr. Lyell's email address on file). Where an agency bases its deadline for filing a hearing request upon the mailing date, the filing deadline does not change based upon a delay in receipt of the notice. *El Rio Nilo LLC v. OLCC*, 240 Or App 362, 369 (2011). As such, Mr. Lyell had 20 days from June 25, 2020—until July 15, 2020—to file a timely request for hearing. He did not request a hearing until July 20, 2020. Therefore, his hearing request was not timely.

Good Cause for the Late Hearing Request

OAR 137-003-0528(1) states, in relevant part:

(a) The agency must accept a properly addressed hearing request that was not timely filed if it was postmarked within the time specified for timely filing * * *.

(b) The agency may accept any other late hearing request only if:

(A) There was good cause for the failure to timely request the hearing[.]

OAR 137-003-0501(7) states:

For purposes of OAR 137-003-0501 to 137-003-0700, “good cause” exists when an action, delay, or failure to act arises from an excusable mistake, surprise, excusable neglect, reasonable reliance on the statement of a party or agency relating to procedural requirements, or from fraud, misrepresentation, or other misconduct of a party or agency participating in the proceeding.

Here, the evidence does not persuasively establish that Mr. Lyell had good cause to file his hearing request after the July 15, 2020, deadline. Even if, as Mr. Lyell contends, he never received any postal service notification regarding the copy of the Notice sent to him via certified mail, more likely than not, he received the copy of the Notice sent via regular mail by July 1, 2020—two weeks before the deadline. He thus had ample time to review the Notice and file a written hearing request by the July 15, 2020 deadline. Moreover, even if he did not receive the Notice via regular mail until July 6, 2020 (the date to which he testified), the failure to receive the certified mail copy does not constitute good cause to justify a late hearing request. The evidence at hearing established that the Notice Mr. Lyell received in early July 2020 clearly set forth the deadline and method for requesting a hearing. In addition, Mr. Lyell received direct reminders of these particulars via voicemail and email on July 14, 2020, which he reviewed before the filing deadline passed on July 15, 2020. Despite having received this information, he did not file a written request a hearing on or before the July 15, 2020 deadline.

Given the clear information repeatedly communicated to Mr. Lyell regarding the timeline and procedure for filing a hearing request, there was no evidence to support a finding that Mr. Lyell's late request resulted from “excusable mistake, surprise, [or] excusable neglect.” OAR 137-003-0501(7). Moreover, there was no evidence that anyone at REA communicated a different deadline or requirement for requesting a hearing than what was stated in the Notice. As

such, there is no basis to conclude that Mr. Lyell's late request was based upon "reasonable reliance on the statement of a party or agency relating to procedural requirements, or from fraud, misrepresentation, or other misconduct of a party or agency participating in the proceeding." *Id.*; *see also El Rio Nilo LLC*, 240 Or App at 370 (affirming a default judgment entered against a licensee company that contended its manager acted reasonably in not retrieving a license cancellation notice sent via certified mail until the day after the hearing request deadline, resulting in an untimely request for hearing).

Because Mr. Lyell did not file a timely hearing request and did not establish good cause for filing his request late, his July 20, 2020 request for hearing on the merits of the Notice must be denied.

Default Order

The Agency takes its consumer protection role very seriously. On multiple occasions, Lyell failed to obtain the seller's written approval to modify the listing agreement, including but not limited to increasing the total commission paid at closing. Additionally, Lyell failed to provide copies of the fully executed sales agreement to LaPointe, who was the listing agent for one of the two lots in the sale. Lastly, Lyell failed to submit the signed listing agreement and purchase agreement to his principal broker for review within the required timeframe, demonstrating similar conduct to Lyell's past actions of engaging in property management activity without the supervision of his principal broker (a violation noted in Lyell's stipulated order issuing a reprimand of his license in October 2013). Lyell's actions and violations establish a sufficient basis for the six-month suspension of his license.

The specific violations are repeated here below:

- (1) Violation: By failing to obtain the seller's written instruction to change the listing information for Lots A and B in multiple occasions Lyell violated ORS 696.301(3) as it incorporates OAR 863-015-0250(1)(c) (6-16-2016, 11-15-2016 and 1-1-2018 Editions), which states (1) complete and adequate records of professional real estate activity include complete, legible, and permanent copies of all documents required by law or voluntarily generated during a real estate transaction, including all offers received by or through real estate brokers or principal brokers to the client, including, but not limited to, the following: (c) a copy of any written agreement for the listing, sale, purchase, rental, lease, lease option, or exchange of real property generated by a real estate broker or principal broker while engaging in professional real estate activity that must be signed by all parties to such an agreement. Lyell also violated ORS 696.301(3) as it incorporates ORS 696.805(2)(a) (2015 and 2017 Editions), which states: (2) 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.
- (2) Violation: By failing to have Margaret Eng sign a disclosed limited agency agreement for the buyers, Lyell violated ORS 696.301(3) as it incorporates OAR 863-015-0210(1) (1-1-2018 Edition), which states: (1) disclosed limited agency agreements

required by ORS 696.815 must be in writing, signed and dated by the parties to be bound or by their duly appointed real estate agents.

- (3) Violation: By failing to include LaPointe as a listing agent on the sales agreement Lyell violated ORS 696.301(7) (2017 Edition), which states: the real estate commissioner may sanction a licensee's real estate license if they intentionally interfered with the exclusive representation or exclusive brokerage relationship of another real estate licensee.
- (4) Violation: By failing to provide a copy of the sales agreement to LaPointe, a party to the transaction Lyell violated ORS 696.301(3) as it incorporates ORS 696.810(2)(b) (2017 Edition), which states (2) a buyer's agent owes the buyer, other principals and the principal's agents involved in a real estate transaction the following affirmative duties: (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 part to a contract to purchase.
- (5) Violation: By failing to have any documentation noting a change in commission, Lyell violated ORS 696.301(3) which incorporates OAR 863-015-0250(1)(c) (1-1-2018 Edition), which states: (1) complete and adequate records of professional real estate activity include complete, legible, and permanent copies of all documents required by law or voluntarily generated during a real estate transaction, including all offers received by or through real estate brokers or principal brokers to the client, including, but not limited to, the following: (c) a copy of any written agreement for the listing, sale, purchase, rental, lease, lease option, or exchange of real property generated by a real estate broker or principal broker while engaging in professional real estate activity that must be signed by all parties to such an agreement.
- (6) Violation: By failing to submit the signed listing agreement and purchase agreement to his principal broker for review within the required time frame, Lyell violated ORS 696.301(3) as it incorporates OAR 863-015-0250(2) (1-1-2018 Edition), which states (2) When a real estate broker receives any document referred to in (1) of this rule, the real estate broker must transmit to the real estate broker's principal broker the document within 3 banking days of real estate broker's receipt of the document.
- (7) Violation: ORS 696.301(12),(14), and (15) which states a licensee's real estate license may be disciplined if they have: (12) demonstrated incompetence or untrustworthiness in performing any act for which the 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; (15) engaged in any conduct that is below

///
///

- (8) 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.

ORDER

IT IS HEREBY ORDERED that:

1. Respondent Phillip A. Lyell's request for hearing on the Notice of Intent to Suspend License No. 810504147 and Notice of Opportunity for Hearing issued June 25, 2020, is denied as untimely.
2. Phillip A. Lyell's License No. 810504147 is suspended for six months commencing at 12:01 a.m. January 19, 2021 and ending at 11:59 pm July 18, 2021.

Dated this 14th day of January, 2021.

OREGON REAL ESTATE AGENCY

DocuSigned by:

D141D2670DE14A0...
Steven Strode
Real Estate Commissioner

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.

CERTIFICATE OF MAILING

On January 14, 2021, I mailed and emailed the foregoing FINAL ORDER BY DEFAULT issued on January 14, 2021 in OAH Case No. 2020-ABC-03933.

By: First Class and Electronic Mail

Phillip Lyell
4718 SE 28TH PLACE
Portland OR 97202
Email: phillyell@cbbain.com

By: Electronic Mail

Carolyn Kalb
Agency Representative
Real Estate Agency
Carolyn.R.Kalb@oregon.gov

Catriona McCracken
Assistant Attorney General
Department of Justice
1162 Court St NE
Salem OR 97301
Catriona.McCracken@doj.state.or.us

ALJ Bradley Schmidt
Office of Administrative Hearings
7995 SW Mohawk St., Entrance B
Tualatin, OR 97062
Bradley.A.Schmidt@oregon.gov

Anesia N. Valihov
Office of Administrative Hearings
7995 SW Mohawk St., Entrance B
Tualatin, OR 97062
OED_OAH_REFERRAL@oregon.gov

Complainant
Tess Lapointe
tesslapointe@hotmail.com

Nenah Darville
Licensing Specialist

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

MATTHEW A. TOMKO

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Matthew A. Tomko (Tomko) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1 On November 20, 2018, Tomko's broker license was associated with Keller Williams Capital City. Between January 1, 2019, and February 27, 2020, Tomko was part of the Colleen Benson Homes Team (Team) at Keller Williams Capital City.

1.2 On March 16, 2020, Colleen Benson (Benson) filed a complaint against Tomko.

1.3 While Tomko was part of the Team, he had access to a network of leads in their CINC database.

1.4 On February 27, 2020, Tomko left Keller Williams Capital City and started working for BrightHome Real Estate Group.

1.5 Tomko and Benson agreed, as part of the Team's employment agreement, that any contacts added to the Teams database from his pre-existing contact list would remain Tomko's "property" upon the termination of the agreement.

1.6 After Tomko left Keller Williams Capital City, Benson became aware that some leads' contact information had been altered in the Teams CINC database.

1.7 According to Tomko, there was no way to delete his sphere of influence (pre-existing contact list) in CINC. Tomko said, "I personally witnessed team members calling the

1 sphere of the former agents. There was no boundary as to who would be called, parents and
2 other family members were not off the table.”

3 1.8 Tomko admitted that before leaving Keller Williams Capital City, he transposed
4 the contact information of his sphere of influence to prevent remaining Team members from
5 calling them.

6 1.9 Benson claimed Tomko altered the contact information for client lead Jessica
7 Allen, who was outside his sphere of influence. When Tomoko was asked if he altered this
8 Team lead, he said he couldn't remember because he changed things “hastily” and couldn't be
9 sure if her information was altered.

10 **Violation:** By altering leads' contact information in the Team's CINC database Tomko
11 violated ORS 696.301(14) (2019 Edition) which states a licensee's real estate license may be
12 disciplined if they have committed an act of fraud or engaged in dishonest conduct
13 substantially related to the fitness of the applicant or real estate licensee to conduct
14 professional real estate activity, without regard to whether the act or conduct occurred in the
15 course of professional real estate activity.

16 2.

17 2.1 The foregoing violation is grounds for discipline pursuant to ORS 696.301.
18 Based on this violation a reprimand is appropriate for violations of ORS 696.301(14).

19 2.2 The Agency reserves the right to investigate and pursue additional complaints
20 that may be received in the future regarding this licensee.

21 2.3 In establishing the violations alleged above, OREA may rely on one or more of
22 the definitions contained in ORS 696.010.

23 2.4 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a
24 real estate license, whether by operation of law, order of the Real Estate Commissioner or
25 decision of a court of law, or the inactive status of the license, or voluntary surrender of the
26 license by the real estate licensee does not deprive the commissioner of jurisdiction to: (1)
27 proceed with an investigation of the licensee; (2) conduct disciplinary proceedings relating to
28 the licensee; (3) Take action against a licensee, including assessment of a civil penalty against
29 the licensee for a violation of ORS 696.020(2); or (4) revise or render null and void an order
30 suspending or revoking a license.

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 broker license of Matthew A. Tomko be, and hereby is reprimanded.

IT IS SO STIPULATED:

DocuSigned by:

7EB77B5CDDEC45B...
MATTHEW A. TOMKODate 12/3/2020 | 1:46 PM PST

IT IS SO ORDERED:

DocuSigned by:

D141D267DDE544A0
STEVEN STRODE

Real Estate Commissioner

Date 12/3/2020 | 1:58 PM PSTDate of Service: 12/03/2020

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

MARGARET ANN BUSCHMANN

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Margaret Ann Buschmann (Buschmann) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1 Buschmann's principal broker license was associated with Legacy Partners Residential Inc., from February 5, 2016 until June 10, 2016, when she became associated with Legacy Partners, Inc. A Corporation of Delaware, after a change of the registered business name.

1.2 Buschmann signed a Legacy Partners, Inc. Oregon Designated Broker Agreement dated February 5, 2016, in which she is noted as the Oregon Designated Broker. The agreement indicates Legacy Partners Residential L.P., a Delaware limited partnership is engaged in the business of managing real property and Legacy Partners, Inc. is the general partner, and as such will be responsible for providing real estate management services for residential properties in Oregon on Legacy Partners Residential L.P's behalf. The agreement describes Buschmann's responsibilities as an independent contractor of Legacy Partners., Inc. and she is to receive \$1,000.00 a month. The agreement is signed by Robert Calleja, CFO of Legacy Partners, Inc. a Delaware corporation.

1.3 On February 5, 2016, Buschmann signed Legacy Partners, Inc. Delegation of Authority forms (Oregon On-Site Employees) for Megan Brown and Christina Jones to perform

1 certain onsite property management activities. (Neither Megan Brown nor Christina Jones
2 were employees of the registered business name, Legacy Partners Residential Inc.)

3 1.4 Buschmann did not update the Delegation of Authority forms for the Oregon On-
4 Site Employees when she associated her license with Legacy Partners, Inc. A Corporation of
5 Delaware on June 10, 2016.

6 1.5 On June 19, 2018, the Agency sent Buschmann a letter, via email, to Legacy
7 Partners, Inc. A Corporation of Delaware (registered business name that Buschmann's license
8 was associated with), notifying her the clients' trust account ending in #9227 had been
9 selected for a Mandatory Clients' Trust Account Review for May 2018 and requested her to
10 provide and submit documents to the Agency in 30 days. Buschmann did not respond to the
11 Agency's request and the case was forwarded to the Regulation Division.

12 1.6 On July 30, 2018, Buschmann was sent a second notice of the Mandatory Mail-In
13 Clients' Trust Account review by and notified her that she had five days to respond.

14 1.7 Buschmann responded to the second notice explaining she didn't get the first
15 request and wanted an extension. She was given until August 14, 2018.

16 1.8 The email address for the registered business name, Legacy Partners, Inc A
17 Corporation of Delaware in the Agency's licensing system was: davery@legacypartners.com.
18 The first notice of the Mail-In Review went to this email address on file, and Buschmann did
19 not receive it.

20 **(1) Violation:** Buschmann failed to maintain her current email address on file with the
21 Agency in violation of ORS 696.301(3) as it incorporates OAR 863-014-0062(1), (5-15-2014,
22 11-15-2016 and 1-1-2018 Editions) which states each active, inactive and expired real estate
23 licensee must maintain on file with the Agency a current mailing address and email address
24 and notify the Agency within 10 calendar days of a change to a mailing or email address.

25 1.9 Buschmann emailed the Agency the clients' trust account ending in #9277, BIT
26 Investments Sixty- Nine LLC (property owner), documents for May 2018 on August 9, 2018,
27 November 11, 2018 and November 20, 2018. The reconciliation documents for clients' trust
28 account ending in #9227 indicate the clients' trust account is for Bit Investment Sixty-Nine LLC,
29 a single owner and the complex is "The Union."

30 1.10 A review of the May 20, 2018, clients' trust account ending in #9227 Bank

Reconciliation Report indicates the adjusted bank balance is \$3,550.76 and the general ledger balance is \$9,188.52, a -\$3550.76 difference. The Bank Reconciliation Report showed a heading of "Book Reconciling Items" with the following entries under the heading:

- 5/20/2018 ACH #1175 posted in 06/18 \$50.57
- 5/20/2018 Dept#335 posted in 6/18 -\$600.00
- 5/20/2018 08/18 SD True Up -\$3001.33

1.11 The Book Reconciling Items is shown as -\$549.43, with a Reconciled Balance Per G/L of \$8,639.09, and a difference (reconciled bank balance and reconciled balance per the general ledger) of \$0.00.

1.12 The documents submitted did not support the reconciled items noted on the Bank Reconciliation Report and the account appears to have a negative balance. Additionally, by using June 2018 postings to balance the May 2018 reconciliation, it appears the clients' trust account was not reconciled within the required thirty days. Lastly, the reconciliation report was not signed and dated by Buschmann.

(2) Violation: A review of the May 20, 2018 reconciliation for clients' trust account ending in #9227 indicates the adjusted bank balance was \$3,550.76 less than the general ledger and it appears the clients' trust account #9227 was not reconciled within the required 30 days. Buschmann also failed to sign and date the bank reconciliation. Buschmann violated ORS 696.301(3) as it incorporates OAR 863-025-0028(2)(b)(d)(A)(B) (1-1-2018 Edition) which states: (2) A property manager must reconcile each clients' trust account within 30 calendar days of the date of the bank statement pursuant to the requirements contained in this section. (b) the balances of each component in section (2)(a) of this rule must be equal to and reconciled with each other. If any adjustment is needed, the adjustment must be clearly identified and explained on the reconciliation document. (d) Within 30 calendar days from the date of the bank statement, the property manager must: (A) Complete the reconciliation document; and (B) Sign and date the reconciliation document, attesting to the accuracy and completeness of the reconciliation.

1.13 The entry "05/18 SD True Up" for -\$3,001.33, noted in the explanation of the difference for the May 2018 clients' trust account reconciliation, does not clearly identify or explain the adjustment.

1 **(3) Violation:** By failing to clearly identify and explain the bank adjustment noted as SD
2 True UP -\$3001.33 on the May 2018 reconciliation Buschmann violated ORS 696.301(3) as it
3 incorporates OAR 863-025-0028(2)(b) (1-1-2018 Edition) which states (2) a property manager
4 must reconcile each clients' trust account within 30 calendar days of the date of the bank
5 statement pursuant to the requirements contained in this section: (b) the balances of each
6 component in section (2)(a) of this rule must be equal to and reconciled with each other. If any
7 adjustment is needed, the adjustment must be clearly identified and explained on the
8 reconciliation document.

9 1.14 The Deposit Summary- With Net Deposit document submitted appears to be
10 aggregated deposits, which notes the date and the amount of the aggregated deposits, but
11 there is no separate report detailing the deposits being aggregated daily or detailing individual
12 deposits as of the date the funds were received, the purpose of the funds, the person who
13 tendered the funds and the date the funds were deposited. This separate report detailing the
14 individual deposits had been requested by Agency staff.

15 **(4) Violation:** By failing to have the required supporting documentation with the required
16 detail for the aggregated deposits Buschmann violated ORS 696.301(3) as it incorporates
17 OAR 863-025-0040(6) and OAR 863-025-0040(2)(a)(A)(B)(C)(D) (1-1-2018 Edition). OAR
18 863-025-0040(6) states a property manager may aggregate individual deposits or individual
19 disbursements and record the aggregated total in the record of receipts and disbursements or
20 check register only if the property manager: (a) aggregates the deposits or disbursements on a
21 daily basis; (b) maintains a separate report that details the individual deposits or
22 disbursements, which states the information for each deposit and disbursement as required in
23 section (2) of this rule; and (c) preserves and maintains the detailed report as a required
24 record. OAR 863-025-0040(2)(a)(A)(B)(C)(D), states: (2) a record of receipts and
25 disbursements or a check register must contain at least the following information: (a) for each
26 receipt of funds: (A) the date the funds were received, unless the date is recorded in a
27 separate document as provided in section (3) of this rule; (B) the amount of funds received; (C)
28 the purpose of the funds and identity of the person who tendered the funds; and (D) the date
29 the funds were deposited.

30 1.15 The Payment Register, indicates management fees were paid to Legacy

1 Partners Residential, Inc. on April 27, 2018, in the amount of \$8,054.82 and on May 4, 2018, in
2 the amount of \$6,853.78.

3 1.16 On May 9, 2018, Legacy Partners, Inc. received \$7,981.78 of which \$4,516.72
4 was for management fees.

5 1.17 On page 112, the general ledger notes a heading of "Mgmt Fees- Residential" an
6 entry description for 5-15-2018 of "Management Fees Accrual" with an ending balance of
7 \$41,181.69, which is not noted in the Payment Register.

8 **(5) Violation:** By permitting a non-licensed individual to engage in professional real estate
9 activity, with or on her behalf and not supervising the property management activity conducted
10 under her principal broker license, Buschmann violated ORS 696.301(3) as it incorporates
11 ORS 696.315(1) and ORS 696.026(7)(10) (2017 Edition) and OAR 863-015-0140(1) (1-1-2018
12 Editions). ORS 696.315(1) states (1) except as provided in subsection (2) of this section, a
13 real estate licensee may not knowingly permit a nonlicensed individual to engage in
14 professional real estate activity, with or on behalf of the licensee. ORS 696.026(7),(10) states:
15 (7) only a principal real estate broker or licensed real estate property manager may control and
16 supervise the professional real estate activity conducted under the registered business name.
17 (10) a principal real estate broker or licensed real estate property manager who registers a
18 business name need not be an owner or officer of entity lawfully entitled to use or have an
19 ownership interest in the registered business name. However, only a principal real estate
20 broker or licensed real estate property manager may control and supervise the professional
21 real estate activity conducted under the registered business name. OAR 863-015-00140(1)
22 states no principal broker may allow any individual to use the principal broker's license for the
23 sole purpose of allowing other real estate licensees to engage in professional real estate
24 activity when the principal broker's only interest is receiving a fee for the use of the principal
25 broker's license by others or when the principal broker only nominally supervises the
26 professional real estate activity conducted under the principal broker's license.

27 1.18 The general ledger for May 2018, submitted on November 11, 2018, is 114
28 pages of debits and credits that are not reflected on the bank statement and the ending
29 balance is \$7,674.71. The required information for the receipt and disbursements of funds is
30 not noted on the general ledger. Specifically, the ledger lacked the following identifying

1 information:

- 2 • For receipt of funds: purpose of the funds and identity of the person who tendered
- 3 the funds
- 4 • For disbursement of funds: purpose of the disbursement.

5 **(6) Violation:** By failing to have the required detail noted for the receipts and
6 disbursements of funds on the general ledger for May 2018 Buschmann violated ORS
7 696.301(3) as it incorporates OAR 863-025-0040(2)(a)(C)(b)(D) (1-1-2018 Edition) which
8 states: (2) a record of receipts and disbursements or a check register must contain at least the
9 following information: (a) for each receipt of funds: (C) the purpose of the funds and identity of
10 the person who tendered the funds. (b) for each disbursement of funds: (D) the purpose of the
11 disbursement.

12 1.19 On November 11, 2018, documents for security deposits account ending in #
13 9230 for May 2018 were received by the Agency. Included were the security deposits account
14 ending in # 9230 reconciliation form (noted incorrectly as being for clients' trust account ending
15 in # 9227), April 21 – May 20, 2018 bank statement and security deposit activity, and what
16 appeared to be the tenants' ledger. There was no record of receipts and disbursement /check
17 register submitted. The reconciliation document for Part IV (Amount of Difference in Totals)
18 only noted "Deposit #335 posted in 06/18 books," indicating the reconciliation had not been
19 completed within 30 calendar days of the date of the bank statement.

20 **(7) Violation:** By failing to have a record of receipts and disbursements and failing
21 complete the reconciliation for security deposits account ending in #9230 within 30 calendar
22 days of the date of the bank statement Buschmann violated ORS 696.301(3) as it incorporates
23 OAR 863-025-0028(3)(a)(B)(d)(A) and OAR 863-025-0035(1)(d) (1-1-2018 Edition). OAR 863-
24 025-0028(3)(a)(B),(d)(A) states: (3) A property manager must reconcile each security deposits
25 account within 30 calendar days of the bank statement pursuant to the requirements contained
26 in this section. (a) the reconciliation must have three components that are contained in a single
27 reconciliation document: (B) the balance in the records of receipts and disbursements or the
28 check register as of the date of the bank statement. (d) Within 30 calendar days of the date of
29 the bank statement the property manager must: (A) complete the reconciliation document.
30 OAR 863-025-0035(1)(d) states the property manager's records of the

1 management of rental real estate are “complete and adequate” as required under ORS
2 696.280 if the records contain at least, the following: (d) a record of receipts and
3 disbursements or check register maintained for each clients’ trust account or security deposits
4 account.

5 1.20 The May 2018 reconciliation document for security deposits account ending in #
6 9230 indicates the three components do not balance. The reconciled bank balance is
7 \$145,371.39, receipts and disbursement journal balance is \$76,734.39, which is \$68,637.00
8 less than the bank balance. The tenants’ ledger balance is noted as \$69,237.00, which is
9 \$76,134.39 less than the bank statement.

10 1.21 The tenants’ ledger document indicates the security deposits being held total
11 \$68,418.15, not \$69,237.00 as noted on the reconciliation form, which is a difference of
12 \$818.00.

13 **(8) Violation:** By having inconsistent records relating to the amount of security deposits
14 held, where the tenants’ ledger indicates the security deposits being held totaled \$68,418.15,
15 not \$69,237.00 as noted on the reconciliation form (an \$818.85 difference), Buschmann failed
16 to have complete and adequate records in violation of ORS 696.301(3) as it incorporates ORS
17 696.280(1) (2017 Edition) Per ORS 696.280(1) a licensed real estate property manager or
18 principal real estate broker shall maintain within this state, except as provided in subsection (6)
19 of this section, complete and adequate records of all professional real estate activity conducted
20 by or through the licensed real estate property manager or principal real estate broker.

21 1.22 On the May 2018 reconciliation form for account ending in #9230, Part IV is to
22 account for and explain any differences between the required three parts there is only one
23 entry of \$600.00 with the corresponding notes of “Deposit #335 posted in 06/18 books.” There
24 is no explanation why the reconciled bank account balance is showing more than the balances
25 posted for the receipts and disbursement journal and the tenants’ ledger.

26 **(9) Violation:** The three components in the reconciliation for security deposits account
27 ending in #9230 for May 2018 did not balance and the tenants ledger balance did not match
28 the corresponding balance on the reconciliation form, in violation of ORS 696.301(3) as it
29 incorporates OAR 863-025-0028(3)(b) (1-1-2018 Edition). OAR 863-025-0028(3)(b) states a
30 property manager must reconcile each security deposits account within 30 calendar days of

the bank statement date pursuant to the requirements contained in this section: (b) the balances of each component in section (3)(a) of this rule must be equal to and reconciled with each other. If any adjustment is needed, the adjustment must be clearly identified and explained on the reconciliation document.

(10) Violation: By failing to explain in Part IV on the reconciliation document for security deposits account ending in #9230 why the reconciled bank account balance is more than posted in the receipts and disbursement journal and the tenants' ledger Buschmann violated ORS 696.301(3) as it incorporates OAR 863-025-0028(3)(b) (1-1-2018 Edition) and ORS 696.280(1) (2017 Edition). OAR 863-025-0028(3)(b) states a property manager must reconcile each security deposits account within 30 calendar days of the bank statement date pursuant to the requirements contained in this section: (b) the balances of each component in section (3)(a) of this rule must be equal to and reconciled with each other. If any adjustment is needed, the adjustment must be clearly identified and explained on the reconciliation document. Per ORS 696.280(1) a licensed real estate property manager or principal real estate broker shall maintain within this state, except as provided in subsection (6) of this section, complete and adequate records of all professional real estate activity conducted by or through the licensed real estate property manager or principal real estate broker.

1.23 The Bank Reconciliation Report for security deposits account ending in # 9230 under the heading "Book Reconciling Items," for May 20, 2018, notes show "05/18 SD Tune Up," in the amount of \$3,001.33, as a bank adjustment for May 2018 reconciliation. The same amount (\$3,001.33) is also noted in the clients' trust account ending in # 9227 May 2018 reconciliation documents as a negative. These funds were not clearly identified and explained.

(11) Violation: By failing to identify and explain the adjustments of \$3001.33 and -\$3011.33 in the May 2018 reconciliation documents for security deposits account ending in #9230 and clients' trust account ending in #9227 Buschmann violated ORS 696.301(3) as it incorporates OAR 863-025-0028(2)(b)(3)(b) (1-1-2018 Edition). Per OAR 863-025-0028(2)(b) a property manager must reconcile each clients' trust account within 30 calendar days of the date of the bank statement pursuant to the requirements contained in this section. (b) the balances of each component in section (2)(a) of this rule must be equal to and reconciled with each other. If any adjustment is needed, the adjustment must be clearly identified and explained on the

1 reconciliation document. Per OAR 863-025-0028(3)(b) a property manager must reconcile
2 each security deposits account with in 30 calendar days of the bank statement date pursuant
3 to the requirements contained in this section. (b) the balances of each component in section
4 (3)(a) of this rule must be equal to and reconciled with each other. If any adjustment is
5 needed, the adjustment must be clearly identified and explained in the reconciliation
6 document.

7 1.24 Documents were submitted to the Agency for clients' trust account ending in
8 #4245, including a bank statement dated April 21, 2018 to May 20, 2018. The name on the
9 account is Bit Investment Sixty-Nine, AFL-CIO Building Investment Trust, Lloyd District
10 Disbursements. This clients' trust account was not reported to the Agency.

11 **(12) Violation:** By failing to notify the Agency within ten days of opening clients' trust
12 account ending in #4245 Buschmann violated ORS 696.301(3) as it incorporates ORS
13 696.245(2)(a)(b)(c)(d)(e)(4) (2017 Edition), and OAR 863-025-0025(3) (1-1-2018 Edition).
14 ORS 696.245(2)(a)(b)(c)(d)(e)(4) (2017 Edition) states: (2) within 10 business days from the
15 date a clients' trust account is opened, the property manager or principal real estate broker
16 shall notify the Real Estate Agency that the account has been opened. The notice must
17 include information about the clients' trust account, including but not limited to: (a) the name of
18 the bank where the account is located; (b) the account number; (c) the name of the account;
19 (d) the date the account was opened; and (e) an acknowledged copy of the notice described in
20 subsection (1) of this section. (4) notification to the agency under subsections (2) and (3) of
21 this section must be made in the manner established by the Agency by rule. OAR 863-025-
22 0025(3) (1-1-2018) states within 10 business days from the date a clients' trust account is
23 opened, the property manager must notify the Agency using an online process established by
24 the Agency. The notification will include the information required in ORS 696.245, including a
25 copy of the completed and signed "Notice of Clients' Trust Account and Authorization to
26 Examine."

27 1.25 During the March 21, 2019, interview with Buschmann, clients' trust account
28 ending in #4245 was discussed and Buschmann did not know what the account was for. Also
29 present at the interview was Megan Brown Kruger, employee of Legacy Partners, Inc., and the
30 Business Manager/Onsite Manager of The Union, Heidi Daniel, Regional Portfolio

1 Manager/Regional Property Manager with Legacy Partners, Inc. out of Seattle. It was
2 explained to Agency staff there were three different clients' trust accounts: clients' trust
3 account ending in #9227 was used to account for deposits, clients' trust accounts ending in
4 #4245 was for disbursements of the funds deposited into clients' trust account ending in #9227
5 each month, and security deposits account ending in #9320 for security deposits.

6 1.26 Agency staff was told Bit Investments (Bit) had complete control of clients' trust
7 account #4245 and was a signer on the account (Buschmann was also a signer on clients'
8 trust account ending in #4245). It was explained the owner feeds the clients' trust account and
9 Legacy paid the bills directly out of the clients' trust account ending in #4245.

10 1.27 Buschman was asked who the other signers are for the clients' trust accounts
11 reported to the Agency and she didn't know. Heidi Daniel said she was a signer and thinks the
12 principals for Legacy are signers, but didn't know exactly who that would be.

13 **(13) Violation:** By allowing a principal of Bit to be a signer on clients' trust account ending in
14 #4245 Buschmann violated ORS 696.301(3) as it incorporates OAR 863-025-0025(9) (5-15-
15 2014, 11-15-2016 and 1-1-2018 Editions). OAR 863-025-0025(9) states a property manager
16 may not allow an owner to be an authorized signer on a clients' trust account or security
17 deposits account and may not allow an owner to deposit, hold or disburse funds in a clients'
18 trust account or a security deposit account.

19 1.28 Buschmann was also a signer on clients' trust account ending in #9227 and the
20 account was opened as a clients' trust account. Funds from clients' trust account #9227 were
21 disbursed to the owner each month because, according to Annabelle from Legacy Partners,
22 Inc (who was brought into the interview by conference call), "the operating account needs to
23 be under the owner's control."

24 1.29 Buschmann was asked who the property owner was for The Union, and Heidi
25 Daniel and Megan Kruger responded explaining that PNC Bank was the owner. When told the
26 bank was not the owner noted on Multnomah County Oregon property records, that Bit
27 Investment Sixty-Nine LLC (Bit) was the owner on record, Heidi Daniel explained, "PNC is the
28 owner of the property and doing business as Bit and Legacy is the manager."

29 1.30 During the interview it was discovered that Buschmann did not have control over
30 the clients' trust accounts or property management of The Union since she had associated her

1 principal broker license with Legacy Partners Residential, Inc. on February 16, 2016, then
2 associating her license with Legacy Partners, Inc. A Corporation of Delaware on June 10,
3 2016. Megan Brown Kruger negotiated and signed rental agreements, which note Legacy
4 Partners, Inc. as the property manager, and collected funds and forwarded them to the Legacy
5 Partners, Inc. corporate office in California where all the accounting is performed.

6 1.31 Buschmann stated she was not involved in the management of The Union. She
7 did not do any of the clients' trust account reconciliations, she reviewed them each month but
8 didn't understand them. Buschmann did not sign or review the tenant agreements and all the
9 onsite management was done by Megan Kruger.

10 **(14) Violation:** Tenant agreements were not written under Legacy Partners, Inc. A
11 Corporation of Delaware with Buschmann as the principal broker, in violation of ORS
12 696.301(3) as it incorporates OAR 863-025-0045(1)(d) (1-1-2018 Editions) which states (1)
13 Residential Property. The property manager must file and maintain legible copies of all tenant
14 rental or lease agreements for the time period required under OAR 863-025-0035. Each
15 tenant rental or lease agreement prepared by a property manager for residential real estate
16 must contain, in addition to and not in lieu of any applicable requirements of the Residential
17 Landlord and Tenant Act, the following: (d) signatures of the property manager, or person
18 authorized under OAR 863-025-0015, and the tenant.

19 1.32 Buschmann did not have a signed property management agreement between Bit
20 Investment Sixty-Nine LLC (Bit) and Legacy Partners, Inc. A Corporation of Delaware.

21 **(15) Violation:** By not having a signed property management agreement in place with Bit
22 Buschmann violated ORS 696.301(3) as it incorporates of OAR 863-025-0020(1) (5-15-2014,
23 11-15-2016 and 1-1-2018 Editions) which states a property manager must not engage in the
24 management of rental real estate without a written, unexpired property management
25 agreement between the owner and the property manager.

26 1.33 Agency representatives were told a property management agreement between
27 Legacy Partners and Bit existed, however Buschmann was not a signer on that property
28 management agreement (this property management agreement was never provided to the
29 Agency).

30 **(16) Violation:** By failing to supervise the property management activity conducted under

her principal broker license Buschmann violated ORS 696.301(3) as it incorporates ORS 696.315(1) (2015 and 2017 Editions) and OAR 863-015-0140(1) (5-15-2014, 11-15-2016 & 1-1-2018 Editions). ORS 696.315(1) states except as provided in subsection (2) of this section, a real estate licensee may not knowingly permit a nonlicensed individual to engage in professional real estate activity, with or on behalf of the licensee. OAR 863-015-0140(1) states no principal real estate broker may allow any individual to use the principal broker's license for the sole purpose of allowing other real estate licensees to engage in professional real estate activity when the principal broker's only interest is receiving a fee for the use of the principal broker's license by others or when the principal broker only nominally supervises the professional real estate activity conducted under the principal broker's license.

(17) Violation: By allowing individuals who were not employees of Legacy Partners, Inc. A Corporation of Delaware, and were nonlicensed, to negotiate rental or lease agreements, check tenant references, physically maintain the real estate of an owner, conduct tenant relations, collect rent and other payments, supervise premise managers or discuss financial matters with the owner, Buschmann violated ORS 696.301(3) as it incorporates OAR 863-025-0015(3)(c), OAR 863-015-0140(1) (5-15-2014, 11-15-2016 and 1-1-2018 Editions), and ORS 696.315(1) (2015 & 2017 Editions). OAR 863-025-0015(3)(c) states: (3) Policies must specify the duties, responsibilities, supervision and authority, including any authority to handle funds in a clients' trust account or security deposits account, for the following persons: (c) an employee of the property manager, including any authority to: (A) negotiate tenant rental or lease agreements under OAR 863-025-0045(2); (B) check applicant or tenant references, including credit references; (C) physically maintain the real estate of an owner; (D) conduct tenant relations; (E) collect rent and other payments; (F) supervise premise managers; or (G) discuss financial matters relating to management of the real estate with the owner. OAR 863-015-0140(1) states no principal real estate broker may allow any individual to use the principal broker's license for the sole purpose of allowing other real estate licensees to engage in professional real estate activity when the principal broker's only interest is receiving a fee for the use of the principal broker's license by others or when the principal broker only nominally supervises the professional real estate activity conducted under the principal broker's license. ORS 696.315(1) states except as provided in subsection (2) of this section, a real estate

1 licensee may not knowingly permit a nonlicensed individual to engage in professional real
2 estate activity, with or on behalf of the licensee.

3 **(18) Violation:** By allowing nonlicensed individuals, associated with Legacy Partners, Inc.
4 and/or Legacy Partners Residential, Inc., to control clients' trust account ending in # 9227 and
5 #4245 and security deposits account ending in #9320 with the receiving and disbursing of
6 funds, Buschmann violated ORS 696.301(3) as it incorporates ORS 696.315(1) (2015 & 2017
7 Edition), ORS 696.026(4) (2015 Edition), ORS 696.026(7)(10) (2017 Edition) and OAR 863-
8 015-0140(1) (5-15-2014, 11-15-2016 and 1-1-2018 Editions). ORS 696.315(1) states except
9 as provided in subsection (2) of this section, a real estate licensee may not knowingly permit a
10 nonlicensed individual to engage in professional real estate activity, with or on behalf of the
11 licensee. ORS 696.026(4) (2015 Edition) states only a principal real estate broker or licensed
12 real estate property manager may control and supervise the professional real estate activity
13 conducted under the registered business name. ORS 696.026(7)(10) (2017 Edition) states:
14 (7) only a principal real estate broker or licensed real estate property manager may control and
15 supervise the professional real estate activity conducted under the registered business name.
16 (10) a principal real estate broker or licensed real estate property manager who registers a
17 business name need not be an owner or officer of any entity lawfully entitled to use or have an
18 ownership interest in the registered business name. However, only a principal real estate
19 broker or licensed real estate property manager may control and supervise the professional
20 real estate activity conducted under the registered business name. OAR 863-015-0140(1)
21 states no principal real estate broker may allow any individual to use the principal broker's
22 license for the sole purpose of allowing other real estate licensees to engage in professional
23 real estate activity when the principal broker's only interest is receiving a fee for the use of the
24 principal broker's license by others or when the principal broker only nominally supervises the
25 professional real estate activity conducted under the principal broker's license.

26 1.34 The advertising for The Union was not being done under Legacy Partners, Inc. A
27 Corporation of Delaware (the registered business name that Buschmann's license was
28 associated with). The advertising either noted The Union or Legacy Partners, The Union.
29 There was no sign designating the main office for Legacy Partners, Inc. A Corporation of
30 Delaware.

1 **(19) Violation:** The internet advertising for The Union did not note Legacy Partners,
2 Residential, Inc. A Corporation of Delaware, in violation of ORS 696.301(3) as it incorporates
3 ORS 696.026(9) (2017 Edition) and OAR 863-015-0125(4), (1-1-2018 Edition). ORS
4 696.026(9) (2017 Edition) states (9) all professional real estate activity conducted by the
5 principal real estate broker, licensed real estate property manager or real estate licensees
6 associated with a principal real estate broker or licensed real estate property manager must be
7 conducted under an active registered business name. OAR 863-015-0125(4) states the
8 licensed name or registered business name of the principal real estate broker, sole practitioner
9 real estate broker, or property manager must be prominently displayed, immediately
10 noticeable, and conspicuous in all advertising.

11 **(20) Violation:** By failing to designate the main office location of Legacy Partners,
12 Residential, Inc. A Corporation of Delaware with a sign Buschmann violated ORS 696.301(3)
13 as it incorporates ORS 696.200(1)(c) (2017 Edition) which states: (1) a licensed real estate
14 property manager or principal real estate broker shall: (c) designate the main office by a sign
15 that contains the name under which the real estate licensee conducts professional real estate
16 activity as provided in ORS 696.026.

17 1.35 All of the above demonstrate incompetence or untrustworthiness in performing
18 acts for which Buschmann is required to hold a license.

19 **(21) Violation:** ORS 696.301(12) (2015 & 2017 Editions), which state a licensee's real
20 estate license may be disciplined if they have demonstrated incompetence or
21 untrustworthiness in performing any act for the licensee is required to hold a license.

22 1.36 Buschmann has, in response to the violations, taken corrective action and now
23 fully complies with the law regarding each of the issues.

24
25 2.

26 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.
27 Based on these violations a reprimand is appropriate for violations of ORS 696.301(3) and
28 (12).

29 2.2 The Agency reserves the right to investigate and pursue additional complaints
30 that may be received in the future regarding this licensee.

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

2.4 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.

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 Margaret Ann Buschmann's principal broker license be, and hereby is reprimanded.

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:

Margaret Buschmann

9A8AF63A9CD14B4...

MARGARET ANN BUSCHMANN

Date 12/12/2020 | 7:33 PM PST

DocuSigned by:

Steven Strobe

D141D267DDE14A0...

STEVEN STRODE

Real Estate Commissioner

Date 12/14/2020 | 8:49 AM PST

Date of Service: 12/14/2020



REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Principal Broker
License of
JON DOVER HEMSTREET

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Jon Dover Hemstreet (Hemstreet) do hereby agree and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1 Hemstreet was licensed as a principal broker with Northwest Land and Timber LLC.

1.2 On October 28, 2020, the Agency received an anonymous complaint alleging Hemstreet had active listings while his license was expired.

1.3 In August 2020, the Agency sent Hemstreet several emails regarding his license renewal. Hemstreet's license expired on September 1, 2020, after failing to complete his license renewal in August.

1.4 On October 1, 2020, Hemstreet renewed his license, paying the renewal fee and the late fee.

1.5 On October 2, 2020, the Agency sent Hemstreet a follow-up email with the subject line reading, "ACTION REQUIRED: Your Real Estate License is Not Active Yet!." Hemstreet did not recall seeing this email.

///

///

1.7 On November 3, 2020, Hemstreet filled out the application and paid the fees necessary to register his company with the Agency, and his license was re-associated with Northwest Land and Timber LLC. His principal broker license was made active that same day.

1.8 Hemstreet did not have an active license between September 1, 2020, and November 2, 2020.

1.9 Hemstreet continued to engage in professional real estate activity during the period his license was expired and inactive. During this timeframe Hemstreet had the following listings:

- 28282 SW Thomason Mill Rd. Sheridan Oregon
- 6580 SW Gopher Valley Rd, Sheridan Oregon
- 12655 Oak Rd., Salem Oregon

- 28282 SW Thomason Mill Rd. Sheridan Oregon
- 6580 SW Gopher Valley Rd, Sheridan Oregon
- 12655 Oak Rd., Salem Oregon

Violation: By continuing to conduct professional real estate activity, while he did not have an active real estate license, Hemstreet violated ORS 696.020(2) and is subject to discipline and civil penalty pursuant to ORS 696.990(4) and (9).

1.10 Previously, Hemstreet was issued a \$1,100.00 civil penalty in 2019 for continuing to engage in professional real estate activity while his license was expired and inactive, for a period of 111 days.

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 pursuant to ORS 696.990(1) to (9) and based upon the violation set forth above, Hemstreet pay a civil penalty in the sum of \$ 1,500.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to the Agency. The civil penalty is computed in accordance with ORS 696.990(4) and (9) in that each 30-day period of unlicensed activity is considered one violation. In this instance, there were two (2) 30-day periods of unlicensed activity.

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:

Jon Hemstreet

591D3EF50B2C40B...

JON DOVER HEMSTREET

Date 1/14/2021 | 11:18 AM PST

DocuSigned by:

Steven Strode

D141D267DDF44A0...

STEVEN STRODE

Real Estate Commissioner

Date 1/25/2021 | 7:30 AM PST

Date of Service: 01/25/2021



**REAL ESTATE BOARD
ADMINISTRATIVE SERVICES DIVISION REPORT
February 1, 2021**

Administrative Services Manager: Mesheal Heyman

Accountant: Caty Karayel

Systems Administrator: Tiffani Miller

Program Analyst: Rus Putintsev

Operation & Policy Analyst: Denise Lewis

Section Overview

The Administrative Services Division acts as business support for the Agency overall. This division manages accounting, purchasing and contracting, inventory control, facilities, payroll, human resources, special projects, information technology (IT), performance and communications.

Organizational Change & Staffing

Mesheal Heyman accepted the position of division manager in December.

Update:

With the Agency office still closed, the division continues to provide technical assistance to the rest of Agency staff so customer service and other regulatory services can carry on.

While there is no expected return date to the office, the Agency is working with the Department of Administrative Services' real estate and facilities team to optimize the existing space for a level of continued telework in a post-COVID environment.

Communications:

Looking for News-Journal articles written by Board members for the new year. Topics are at the discretion of the Board member. Board articles are the 2nd most popular articles in the News-Journal, behind Administrative Actions.

Oregon Real Estate News-Journal 2021 article deadlines:

April issue – March 26

June issue – May 28

August issue – July 23

October issue – September 24

December issue – November 12

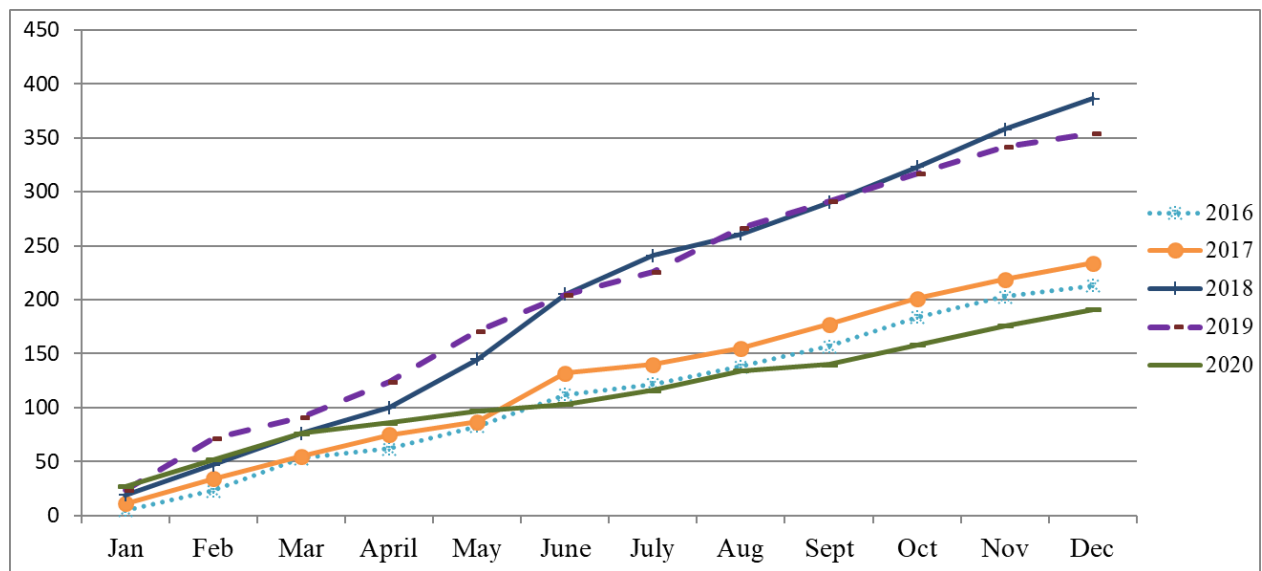
**Report to the Real Estate Board
Land Development Division
February 1st, 2021**

Division Manager: Michael Hanifin

Section Overview:

The Land Development Division reviews and approves filings related to condominiums, timeshares, subdivisions, manufactured home subdivisions, and membership campgrounds. The section reviews and approves the foundational documents creating these types of properties, as well as later amendments to those documents, to verify compliance with statutory requirements. We also issue the Disclosure Statement (sometimes referred to as a Public Report) required for sales of these interests to Oregonians. The Disclosure Statement summarizes key information about the condominium for the consumer, somewhat like the owner's manual for a car.

Workload and Activity Indicators



There were 191 filings made with the division in 2020. For perspective, that is more filings than we had in either 2013 or 2015, but just slightly over half the number of filings received in either 2018 or 2019. By volume, this year is most equivalent to 2012.

Rulemaking:

The advertising rulemaking process is now complete and the revised rules are in effect as of January 1st, 2021.

Legislation:

The agency is tracking several bills this session which will be reviewed briefly at the board meeting.

**REAL ESTATE BOARD
EDUCATION & LICENSING DIVISION REPORT
February 1, 2021**

Education & Licensing Manager: Madeline Alvarado

Compliance Specialist: Tami Schemmel

Compliance Specialist: Roger McComas

Compliance Specialist: Jenifer Wetherbee

Administrative Specialist: Elizabeth Hardwick

Administrative Specialist: Rick Marsland

Administrative Specialist: Nenah Darville

Section Overview

The Education and Licensing Division acts as support to the Agency as well as the first point of contact for the public. This division manages reception, licensing services, compliance reviews, client trust account reviews and education.

+

Ongoing Impacts from both COVID-19 and Wild Fires on Educators/Licensees/Applicants

- The Agency is providing 30 day extensions, for actively renewing licensees, to provide their certified continuing education class information.

Licensing Update

PSI- PSI launched remote proctoring October 1, 2020. During the month of October we did receive reports from applicants experiencing connectivity issues with the online remote exams. In addition, during the month of October, the first time pass rates for the broker state and national portions decreased by about 5% (state) and 12% (national).

In efforts to improve our services, we worked with PSI, who identified that many of the remote testers were experiencing connectivity issues due to their WIFI bandwidth. PSI decreased their system requirements on bandwidth needed by candidates in October.

The first time pass rates for the broker exam increased by the month of December by 7% (state) and by 11% (national).

The Agency did receive additional feedback that some candidates were continuing to experience extended lag time while taking their remote exam. As a result PSI, again, lowered the bandwidth requirement at the end of January.

I will continue to monitor the pass rates.

New Hires- In December, the Agency hired for two Administrative Specialists 2 (AS2) positions. The successful candidates were Nenah Darville, who was promoted from the Administrative Specialist 1 (AS1, receptionist position) and Elizabeth Hardwick who was promoted from a limited duration Administrative Specialist 1 position. The Agency is currently hiring for another Administrative Specialist 2 position and that recruitment is currently in process with a target start date of 2/4/2021. In addition, the Agency is currently recruiting for a bilingual receptionist, and this recruitment will close on 1/28/2021, with a target start date on (or before) 3/1/2021.

CEP Renewals- Continuing Education Providers were made eligible to renew November 1st and were required to renew no later than 12/31/2020. As of 1/1/2021, 28 of the CEP's expired. If they wish to continue offering education, they must go through the application process via eLicense and pay the \$300 application fee.

Key Performance Measures-

November 2020:

KPM	07/01/2020-12/31/2020	Target	Number of Participants
Percent of licensees who rate the exam as “good” or excellent as an effective screen for competent ethical professionals.	73	75	190
Customer Service Overall	87	85	235
Accuracy	88	85	237
Availability of Info.	85	85	236
Expertise	89	85	235
Helpfulness	86	85	236
Timeliness	87	85	235

December 2020:

KPM	07/01/2020-12/31/2020	Target	Number of Participants
Percent of licensees who rate the exam as “good” or excellent as an effective screen for competent ethical professionals.	72	75	187
Customer Service Overall	87	85	259
Accuracy	89	85	262
Availability of Info.	85	85	260
Expertise	88	85	260
Helpfulness	86	85	262
Timeliness	86	85	260

Upcoming

Escrow annual reports will be due **3/31/2021**. Currently the Oregon has 66 active escrow organizations.

RBN Renewal

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Eligible to Renew	420	343	366	346	320	304	262	271	259	289	249	324
Failed to Renew	14	11	20	10	10	17	17	17	7	38	11	13
% Renewed	97%	97%	95%	97%	97%	94%	94%	94%	97%	87%	96%	96%

Licensing Statistics

Total Licensee Counts by Month:

Individuals (Persons)	Nov-20	Dec-20
Broker – Total	16,807	16,837
Active	15,133	15,084
Inactive	1,674	1,753
Principal Broker - Total	6,384	6,386
Active	6,007	5,985
Inactive	377	401
ALL BROKERS Total	23,191	23,223
Active	21,140	21,069
Inactive	2,051	2,154
Property Manager - Total	956	953
Active	828	829
Inactive	128	124
MCC Salesperson	16	15
MCC Broker	1	1
TOTAL INDIVIDUALS	24,164	24,192
Active	21,985	21,914
Inactive	2,179	2,278
Facilities (Companies)		
REMO	5	5
Registered Business Name (RBN)	3,862	3,861
Registered Branch Office (RBO)	770	766
Escrow Organization	66	66
Escrow Branch	147	147
PBLN	NA	NA
PMLN	NA	NA
CEP	317	291
MCC Operator	25	25
TOTAL FACILITIES	5,192	6,423
TOTAL INDIVIDUALS & FACILITIES	29,356	30,615

New Licenses by Month:

Individuals (Persons)	Nov-20	Dec-20
Broker	124	163
Principal Broker	20	22
TOTAL BROKERS	144	185
Property Manager	7	6
MCC Salesperson	1	0
MCC Broker	0	0
TOTAL INDIVIDUALS	152	191
Facilities (Companies)		
Continuing Education Provider (CEP)	0	2
REMO	0	0
Registered Business Name	33	31
Registered Branch Office	5	4
Escrow Organization	0	0
Escrow Branch	0	0
MCC Operator	0	0
TOTAL FACILITIES	38	41
TOTAL INDIVIDUALS & FACILITIES	190	232

Exam Statistics

December 2020
ALL LICENSING EXAMS

Total

Broker	541
Property Manager	30
Principal Broker	76
Reactivation	13

Pass Rates

<u>First Time Pass Rate</u> <u>Percentage</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Broker State	64	61	58	57	50
Broker National	74	73	72	70	68
Principal Broker State	59	58	59	51	53
Principal Broker National	75	76	77	69	63
Property Manager	64	69	67	64	58

Oregon Real Estate Agency
Education & Licensing Division
Licensee Application & Renewal
2020 Data

New Applications													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<u>Brokers</u>	359	292	293	273	435	416	411	495	406	405	385	413	4583
<u>Principal Brokers</u>	37	44	37	15	24	27	35	44	25	31	31	50	400
<u>Property Managers</u>	21	23	20	19	20	24	23	31	24	16	32	17	270
<u>Total</u>	417	359	350	307	479	467	469	570	455	452	448	480	5253

Renewal Activity														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	480	487	526	514	556	511	553	546	550	548	449	544	6264
	Inactive	52	55	25	36	41	32	34	45	31	31	30	32	444
Late	Active	45	32	34	34	43	38	50	40	43	35	52	36	482
	Inactive	11	11	7	13	12	10	11	14	8	8	8	9	122
Lapse		85	92	100	107	97	114	130	135	128	102	111	105	1306
Total		673	677	692	704	749	705	778	780	760	724	650	726	8618

<u>Principal Brokers</u>		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	234	238	246	243	251	265	211	239	256	213	219	211	2826
	Inactive	9	17	9	15	13	9	11	9	11	9	10	7	129
Late	Active	13	7	11	9	12	4	10	7	10	7	12	9	111
	Inactive	0	2	3	1	1	2	2	1	1	1	1	2	17
Lapse		23	20	30	23	22	18	36	26	25	20	26	23	292
<u>Total</u>		279	284	299	291	299	298	270	282	303	250	268	252	3375

Education & Licensing Division
Licensee Application & Renewal
2020 Data

Property Managers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	29	26	27	18	36	31	37	34	25	25	26	32	346
	Inactive	2	4	2	0	1	0	1	0	3	2	3	4	22
Late	Active	2	0	1	2	4	1	3	0	1	2	2	2	20
	Inactive	1	0	0	1	1	1	0	0	0	0	0	1	5
Lapse		8	10	9	8	5	7	11	7	10	11	7	5	98
Total		42	40	39	29	47	40	52	41	39	40	38	44	491

Grand Total (Brokers, Principal Brokers, Property Managers)														
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Total Eligible to Renew		994	1001	1030	1024	1095	1043	1100	1103	1102	1014	956	1022	12484
On Time	Active	743	751	799	775	843	807	801	819	831	786	694	787	9436
	Inactive	63	76	36	51	55	41	46	54	45	42	43	43	595
Late	Active	60	39	46	45	59	43	63	47	54	44	66	47	613
	Inactive	12	13	10	15	14	13	13	15	9	9	9	12	144
Total Renewed		878	879	891	886	971	904	923	935	939	881	812	889	10788
Lapse		116	122	139	138	124	139	177	168	163	133	144	133	1696

[illegible]

Oregon Real Estate Agency
Education & Licensing Division
Licensee Application & Renewal
2019 Data

<u>New Applications</u>													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<u>Brokers</u>	328	259	300	280	287	278	233	245	227	260	250	238	3185
<u>Principal Brokers</u>	47	32	39	25	32	24	36	14	23	32	38	26	368
<u>Property Managers</u>	17	18	24	39	25	22	20	21	19	24	22	19	270
<u>Total</u>	392	309	363	344	344	324	289	280	269	316	310	283	3823

Renewed & Lapsed Licenses														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	415	398	473	426	485	521	534	503	550	497	439	469	5710
	Inactive	43	41	35	33	38	33	49	37	46	40	36	37	468
Late	Active	42	25	37	47	67	40	52	32	50	35	35	52	514
	Inactive	7	14	9	6	13	7	7	11	17	10	9	7	117
Lapse		79	103	102	96	102	87	99	116	103	105	78	99	1169
Total		586	581	656	608	705	688	741	699	766	687	597	664	7978

<u>Principal Brokers</u>		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<u>On Time</u>	Active	211	188	208	215	205	243	250	258	243	215	203	233	2672
	Inactive	18	9	11	5	8	8	12	8	10	13	6	13	121
<u>Late</u>	Active	12	7	8	15	12	11	12	12	10	11	15	14	139
	Inactive	1	2	1	4	3	1	4	2	3	4	1	4	30
<u>Lapse</u>		29	28	28	20	33	24	27	23	24	21	23	20	300
<u>Total</u>		271	234	256	259	261	287	305	303	290	264	248	284	3262

**Education & Licensing Division
Licensee Application & Renewal
2019 Data**

<u>Property Managers</u>		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	40	28	24	22	35	32	24	32	30	27	25	24	343
	Inactive	6	3	3	5	2	2	3	3	1	4	0	3	35
Late	Active	4	2	1	1	3	0	1	1	2	1	1	3	20
	Inactive	1	0	0	0	0	0	0	0	2	0	0	1	4
Lapse		5	8	15	8	7	10	6	8	9	8	8	6	98
Total		56	41	43	36	47	44	34	44	44	40	34	37	500

Grand Total (Brokers, Principal Brokers, Property Managers)														
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Total Eligible to Renew		913	856	955	903	1013	1019	1080	1046	1100	991	879	985	11740
On Time	Active	666	614	705	663	725	796	808	793	823	739	667	726	8725
	Inactive	67	53	49	43	48	43	64	48	57	57	42	53	624
Late	Active	58	34	46	63	82	51	65	45	62	47	51	69	673
	Inactive	9	16	10	10	16	8	11	13	22	14	10	12	151
Total Renewed		800	717	810	779	871	898	948	899	964	857	770	860	10173
Lapse		113	139	145	124	142	121	132	147	136	134	109	125	1567

[illegible]

Oregon Real Estate Agency
Education & Licensing Division
Phone Counts

(minutes: seconds)	Jan – 20	Feb – 20	Mar – 20	Apr – 20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov--20	Dec-20	2020 Average
Call Count	2117	1834	1830	1474	1468	1775	1875	1678	1749	1646	1593	1785	1735.3
Average Wait Time	:25	:21	:19	:23	:25	:35	:29	:26	:21	:20	:24	:29	:24.75
Maximum Wait Time	0:11:05	0:09:30	0:14:56	0:10:15	0:18:12	0:13:00	0:21:34	0:14:15	0:11:09	0:17:30	0:09:58	0:12:06	0:13:38

(minutes: seconds)	Jan – 19	Feb – 19	Mar – 19	Apr – 19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov--19	Dec-19	2019 Average
Call Count	2251	1748	1917	2138	2062	1738	1882	1685	1882	2012	1606	1637	1880
Average Wait Time	:20	:21	:29	:23	:24	:33	:30	:27	:26	:16	:25	:20	:24.5
Maximum Wait Time	16:06	9:32	21:21	14:03	15:58	13:20	11:15	12:00	13:59	10:15	5:51	8:21	12:40

(minutes: seconds)	Jan – 18	Feb – 18	Mar – 18	Apr – 18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov--18	Dec-18	2018 Average
Call Count	2317	2006	2263	2063	2113	2084	1837	2049	1824	2153	1828	1738	2024
Average Wait Time	:22	:15	:17	:16	:16	:27	:21	:19	:21	:23	:17	:25	:20
Maximum Wait Time	5:32	3:23	8:58	7:05	13:27	12:18	14:40	12:53	10:26	13:22	7:41	10:07	8:29