



# Oregon

Tina Kotek, Governor

## AGENDA ITEM NO.

### I.C.

Notice of Agency  
OREGON REAL ESTATE BOARD  
Regular Meeting Agenda  
Video-Conference - Zoom  
February 5, 2024

Real Estate Agency  
530 Center St. NE, Suite 100  
Salem, Oregon 97301-2505  
Phone: (503) 378-4170  
[www.oregon.gov/rea](http://www.oregon.gov/rea)

#### I. BOARD BUSINESS - Chair Beal

- A. Call to Order
- B. Chair Beal comments/Roll Call
- C. Approval of the Agenda and Order of Business
- D. Approval of 12.4.23, regular meeting minutes
- E. Date of the Next Meeting: 4.01.24 to begin at 10am, Location: Agency Office - Salem, Oregon

#### II. PUBLIC COMMENT - Chair Beal

- 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 Beal Waiver request log.

- A. None

#### IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER - Chair Beal.

- A. FIRPTA Solutions, Inc.

#### V. BOARD ADVICE/ACTION - Commissioner Strode

- A. None

#### VI. NEW BUSINESS - Commissioner Strode

- A. Board Member Authored OREN-J Articles
- B. Ethics Training – Oregon Ethics Commission – Charlie Esparza

#### VII. COMMUNICATIONS - ADMINISTRATIVE ACTIONS SUMMARY - Chair Beal

#### VIII. REPORTS – Chair Beal

- A. Commissioner Strode
- B. Agency division reports-Refer to board packet

#### IX. ANNOUNCEMENTS – Chair Beal. Next board meeting: 04.01.24 to begin at 10am, Agency Office Salem, Oregon

#### X. ADJOURNMENT – Chair Beal

*Interpreter services, auxiliary aids for persons with disabilities, and access to attend remotely by videoconference are available upon advance request.*



# Oregon

Tina Kotek, Governor

**AGENDA ITEM NO.**

**I.D.**

**Real Estate Agency**  
530 Center St. NE, Suite 100  
Salem, Oregon 97301-2505  
Phone: (503) 378-4170  
[www.oregon.gov/rea](http://www.oregon.gov/rea)

**OREGON REAL ESTATE BOARD**  
**Regular Meeting Minutes**  
**Video-Conference - Zoom**  
**December 4, 2023**  
**10:00 a.m.**

**BOARD MEMBERS PRESENT:**

Jose Gonzalez  
Susan Glen  
Marie Due  
Michael Warren  
LaTasha Beal  
Jessenia Juarez  
Tom Tapia  
Dawn Duerksen  
Stacy Ellingson

**BOARD MEMBERS ABSENT:**

None

**OREA STAFF PRESENT:**

Steve Strode, Commissioner  
Anna Higley, Deputy Commissioner  
Madeline Alvarado, Licensing & Education Division Manager  
Mesheal Tracy, Administrative Services Division Manager  
Elli Kataura, Regulation Division Manager  
Michael Hanifin, Land Development Manager  
Liz Hayes, Compliance Division Manager

**CITIZEN:**

Jenny Pakula  
Barbara Geyer  
Desiree Clifton

**I. BOARD BUSINESS - Chair Gonzalez**

- A. Call to Order
- B. Chair Gonzalez comments/Roll Call
- C. Approval of the Agenda and Order of Business

**MOTION TO APPROVE 12.4.2023 REGULAR MEETING AGENDA AS SUBMITTED BY MICHAEL WARREN  
SECONDED BY MARIE DUE**

**MOTION CARRIED BY UNANIMOUS VOTE**

- D. Approval of 10.3.23, regular meeting minutes

**MOTION TO APPROVE 10.3.2023 REGULAR MEETING MINUTES AS SUBMITTED BY LATASHA BEAL  
SECONDED BY MICHAEL WARREN**

**MOTION CARRIED BY UNANIMOUS VOTE**

- E. Date of the Next Meeting: 2.5.24 to begin at 10am, Location: Video Conference (approved under Agenda Item V)

**II. PUBLIC COMMENT - Chair Gonzalez**

- A. None

**III. REQUESTS FOR WAIVERS - Chair Gonzalez**

- A. None

**IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER –Chair Gonzalez**

- A. None



# Oregon

Tina Kotek, Governor

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Phone: (503) 378-4170  
[www.oregon.gov/rea](http://www.oregon.gov/rea)

## **V. BOARD ADVICE/ACTION - Commissioner Strode**

### **A. 2024 Meeting Calendar & Locations (Proposed)**

1. February 5<sup>th</sup>, Online
2. April 1<sup>st</sup>, Online
3. June 3<sup>rd</sup>, Salem
4. August 5<sup>th</sup>, Corvallis
5. October 7<sup>th</sup>, Oregon Coast-TBD
6. December 2<sup>nd</sup>, Online

### **2024 Meeting Calendar & Locations (Board Modified)**

1. February 5<sup>th</sup>, Online
2. April 1<sup>st</sup>, Salem
3. June 3<sup>rd</sup>, Oregon Coast-TBD
4. August 5<sup>th</sup>, Corvallis
5. October 7<sup>th</sup>, Online
6. December 2<sup>nd</sup>, Online

**MOTION TO APPROVE BOARD MODIFIED 2024 MEETING CALENDAR & LOCATIONS AS SUBMITTED BY MICHAEL WARREN**

**SECONDED BY MARIE DUE**

**MOTION CARRIED BY UNANIMOUS VOTE**

## **VI. NEW BUSINESS - Commissioner Strode**

### **A. 2024 Board Chair & Vice-Chair Nomination & Vote**

**MOTION TO APPROVE 2024 BOARD CHAIR & VICE-CHAIR NOMINATIONS AS SUBMITTED BY MARIE DUE**

**SECONDED BY JESSENIA JUAREZ**

**MOTION CARRIED BY UNANIMOUS VOTE**

### **B. Board Roles and Responsibilities**

## **VII. COMMUNICATIONS - ADMINISTRATIVE ACTIONS SUMMARY - Chair Gonzalez**

## **VIII. REPORTS – Chair Gonzalez**

### **A. Commissioner Strode**

### **B. Agency division reports-Deputy Commissioner Higley**

1. Regulation Division, Elli Kataura
2. Land Development Division, Michael Hanifin
3. Licensing and Education Division, Madeline Alvarado
4. Compliance Division, Liz Hayes

## **IX. ANNOUNCEMENTS – Chair Gonzalez** Next board meeting: 2.5.24 to begin at 10am, Video Conference

## **X. ADJOURNMENT – Chair Gonzalez**

**Interpreter services, auxiliary aids for persons with disabilities, and access to attend remotely by videoconference are available upon advance request.**



# PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER

Rev. 3/2022

**AGENDA ITEM NO.  
IV. A.**

## INSTRUCTIONS

To petition the Real Estate Board for approval of qualifications to become an applicant for certification as a continuing education provider, the petitioner must complete this form and submit it by e-mail to [madeline.c.alvarado@rea.oregon.gov](mailto:madeline.c.alvarado@rea.oregon.gov) a least 21 days before the next scheduled Board meeting at which the applicant wishes the Board to act.

### IMPORTANT:

- If the petitioner is an entity, the information provided must pertain to that entity. If the petitioner is an individual, the information provided must pertain to that individual.
- All information and documents submitted as part of this petition become part of the Board Packet, and therefore, public record.
- Petitioners will need to appear before the Board. This may be done in person or by phone. Once the Agency receives this completed petition, a letter will be sent to the petitioner with the date of the Board meeting the petitioner will need to attend.
- Please do not submit any class or course information as the Oregon Real Estate Agency Board is not able to review or consider this information.

If the Board approves this petition, the Agency will email a letter to the petitioner, confirming the Board's approval. The petitioner may then apply for certification as a continuing education provider under OAR 863-020-0030.

## PETITIONER

Name \_\_\_\_\_ Phone Number 239-540-1022

Physical Address \_\_\_\_\_ Address Cont. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ County \_\_\_\_\_

E-mail \_\_\_\_\_

Mailing Address (if different) \_\_\_\_\_ Address Cont. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ County \_\_\_\_\_

## AUTHORIZED CONTACT PERSON

Prefix \_\_\_\_\_ First Name \_\_\_\_\_ Last Name \_\_\_\_\_

Phone Number 570-640-9619 E-mail \_\_\_\_\_

Indicate who will appear before the board on behalf of the Petitioner: \_\_\_\_\_

### AGENCY USE ONLY

Approved by Board YES NO

Review Date \_\_\_\_\_



**PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued**

**AUTHORIZATION AND ATTESTATION**

- I hereby certify that I am authorized to submit this form on behalf of the petitioner and that the information is true and accurate, to the best of my knowledge.
- I certify that petitioner, or authorized individual on petitioner's behalf, has read, understands and is ready to comply with the statutory and administrative rule provisions applicable to certified continuing education providers.
- I attest that petitioner knows and understands the responsibilities of a certified continuing education provider under OAR 863-020-0050.
- I attest that petitioner knows and understands the requirements of an instructor under ORS 696.186 and the information required on a continuing education instructor qualification form under OAR 863-020-0060.

**I UNDERSTAND:**

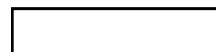
	Initials	Date Completed	Agency Use Only
I will complete the Continuing Education Provider Application and will pay the \$300 fee upon Board approval.	RSt		ND
I understand the requirements of an education provider as outlined in Oregon Administrative Rules (OAR) Chapter 863, Division 20.			ND
Petitioner has demonstrated their experience and expertise in two or more course topics eligible for continuing education credit as listed in OAR 863-020-0035.			ND
Petitioner has demonstrated their experience in providing educational courses to real estate licensees.			ND

Date: \_\_\_\_\_

Printed Name of Authorized Individual

*Rosellie Se Clair*

Signature of Authorized Individual



FIRPTA Solutions, Inc. is an entity which deals solely with the Foreign Investment in Real Property Tax Act. This federal law requires foreign sellers of U.S. real estate to comply with specific regulations concerning the FIRPTA withholding tax. It is imperative that realtors understand the expectations for them and the clients that they serve.

Our company, FIRPTA Solutions, Inc., provides a two-hour, two credit CE course explaining this process. We feel qualified to address a number of the topics listed in OAR 863-020-0035, but our course is designed as a highly specialized elective. The main course topics for continuing ed which we will be addressing are (m) real estate taxation, (ff) real estate law or regulation, and (h) real estate disclosure requirements.

Our company includes certified acceptance agents, licensed realtors, and foreign tax experts who have over 25 years of experience with foreign taxes and have offered structured FIRPTA training for over ten years. These individuals have provided the content for our course. We also have a certified educational director also well-qualified to present the material in an understandable format.

We are licensed to provide our course for CE credit in both Florida and Colorado, and hope to provide this useful information to Oregon realtors as well.

*Rosalie St. Clair*

**ADMINISTRATIVE ACTIONS**  
Reported 11/08/2023  
through 01/16/2024

**REVOCATIONS**

Brown, Jessica Lindsay (Milwaukie), Property Manager 200903040, Final Order by Default dated November 28, 2023, issuing a revocation and \$10,000.00 civil penalty.

Raffington, Sean Patrick (Seaside), Property Manager 201243875, Final Order by Default dated November 29, 2023, issuing a revocation.

**SUSPENSIONS**

**REPRIMANDS**

Bradley, Glenn J. (Stayton), Principal Broker 200211126, Stipulated Final Order dated December 12, 2023, issuing a reprimand.

Shedden, Barbara J. (Keizer), Principal Broker 201109056, Stipulated Final Order dated December 15, 2023, issuing a reprimand.

Collins, Lisa C. (Salem), Principal Broker 201212857, Stipulated Final Order dated December 20, 2023, issuing a reprimand with education.

Hale, Kevin L. (Pendleton), Broker 200804092, Stipulated Final Order dated January 12, 2024, issuing a reprimand.

Brumana, Angela (Medford), Property Manager 201207915, Stipulated Final Order dated January 17, 2024, 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



REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of  
GLENN JOSEPH BRADLEY )  
STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Glenn Bradley (Bradley) do hereby agree and stipulate to the following:

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Bradley was licensed as a principal broker with Safe Haven, Inc. (Safe Haven). Bradley was previously supervised by Signature Real Estate, Inc.

1.2 On February 3, 2023, the Agency received a complaint from Dannie Ellingsworth (D. Ellingsworth) against Bradley. The Agency opened an investigation.

1.3 D. Ellingsworth was the representative of Leroy Ellingsworth (L. Ellingsworth) for Campus Court Apartments (CCA), and in the complaint it was stated that the four partners of CCA had not received financial records for the property from Bradley.

1.4 In response to the complaint, Bradley stated that his management of CCA began in 1996 through 2022, when an additional broker, David Hendricks (Hendricks), began to help with the day-to-day operations.

1.5 Bradley wrote that he had informal meetings with L. Ellingsworth and another partner over the course of the past decade, and they would informally discuss CCA while getting signatures for documents, such as HUD contracts, rent increases, tax returns, inspection reports, etc.

1           1.6     Bradley admitted it was his responsibility to supply the partners of CCA with  
2 financial statements and other necessary documents that would be relevant for an owner to  
3 have, stating he "...allowed myself to become complacent with my reporting obligations to the  
4 Partners, in direct violation of the requirements."

5 **(1) Conclusion of Law:** By failing to report monthly to the owners of CCA, Bradley violated  
6 ORS 696.301(3) and its implementing rule OAR 863-025-0055(4) (11/15/2016, 1/1/2018,  
7 1/1/2019, 1/1/2021, and 1/1/2022 Editions).

8 **(2) Conclusion of Law:** By failing to create and maintain property management records for  
9 CCA, Bradley violated ORS 696.301(3) and its implementing rule OAR 863-025-0035(1)(c)(4)  
10 (11/15/2016, 1/1/2018, 1/1/2019, 1/1/2020, 1/1/2021, and 1/1/2022 Editions).

11           1.7     On March 7, 2023, Agency Investigator Aaron Grimes (Grimes) requested from  
12 Hendricks the January 2022 monthly owner statement and bank statement.

13           1.8     On April 11, 2023, Grimes requested Bradley submit the property management  
14 agreement (PMA) for CCA.

15           1.9     A review of the January 2022 bank statements for the client trust account ending  
16 in -7414 (CTA #7414) shows an ending bank balance of \$14,375.43.

17           1.10    The check register for CTA #7414 for January 2022 shows the month ending  
18 balance of \$13,978.94.

19           1.11    A review of the check register shows for deposit of funds, the purpose and  
20 identity of the person who deposited the funds is missing.

21           1.12    On September 7, 2023, Bradley sent an email to Grimes with an explanation for  
22 expenses shown on the check register, including a \$3,000.00 payment for management fees  
23 to Safe Haven made on January 3, 2022. Bradley wrote that the \$3,000.00 payment for  
24 management fees was a partial payment of the 7.5% amount of funds collected.

25           1.13    In the Compensation of Agent section of the PMA, it states the Agent shall be  
26 entitled to receive for all services performed under this Agreement shall be a fee of Seven and  
27 One-Half Percent (7.5%) of gross monthly collections per month. Such fees shall be computed  
28 and paid on or after the 20<sup>th</sup> day of each month.

29           1.14    The \$3,000.00 payment made in January for management fees was less than  
30 7.5%.

1 **(3) Conclusion of Law:** By failing to identify the date funds were received, and the purpose  
2 and identity of the person who deposited the funds in the check register for CTA #7414,  
3 Bradley violated ORS 696.301(3) and its implementing rule OAR 863-025-0040(2)(a)(A)(C)  
4 (1/1/2022 Edition).

5 **(4) Conclusion of Law:** By failing to collect 7.5% management fees on the 20<sup>th</sup> of the  
6 month in which funds are collected, as required by the PMA, for the month of January 2022,  
7 Bradley violated ORS 696.301(3) as it incorporates ORS 696.890(3)(4)(a)(c)(e) (2021 Edition).

8 1.15 The January 2022 check register for CTA #7414 shows a disbursement dated  
9 January 19, 2022, to DBH & Associates (DBH) in the amount of \$1,250.00.

10 1.16 DBH is a registered business with the Oregon Secretary of State. The business  
11 was registered by Hendricks in June 2019.

12 1.17 During an interview with Grimes, Bradley stated that Hendricks provided training,  
13 seminars, and audit to Safe Haven staff to ensure HUD compliance. Bradley also stated that  
14 he did not remember if the owners of CCA were aware of DBH.

15 1.18 A review of the PMA shows there is no section addressing DBH as a vendor.

16 **(5) Conclusion of Law:** By failing to disclose in the PMA with CCA an employee or  
17 business in which he had an interest, Bradley violated ORS 696.301(3) and its implementing  
18 rule OAR 863-025-0020(2)(i)(j) (11/15/2016, 1/1/2018, 1/1/2020, 1/1/2021, and 1/1/2022  
19 Editions).

20 1.19 Grimes requested that Bradley provide reconciliation documents, bank  
21 statements, check registers, and owner ledgers for client trust accounts ending in -7831 (CTA  
22 #7831), -7799 (CTA #7799), -7807 (CTA #7807), and CTA #7414 for the months of May, June,  
23 and July 2022. Grimes also requested that Bradley submit the delegation of authority given to  
24 Hendricks while working for Safe Haven.

25 1.20 A review of CTA #7414 for the month of May 2022, shows an unreconciled  
26 amount of \$31.00 with no explanation. The reconciliation form does not include the date when  
27 it was prepared, by whom it was prepared, and it is missing the signature of the person who  
28 prepared it.

29 1.21 A review of CTA #7414 for the month of June 2022, shows an unreconciled  
30 amount of \$31.00 with no explanation. The reconciliation form does not include the date when

1 it was prepared, by whom it was prepared, and it is missing the signature of the person who  
2 prepared it.

3 1.22 A review of CTA #7414 for the month of July 2022, shows an unreconciled  
4 amount of \$31.00 with no explanation. The reconciliation form does not include the date when  
5 it was prepared, by whom it was prepared, and it is missing the signature of the person who  
6 prepared it.

7 **(6) Conclusion of Law:** By failing to sign and date CTA #7414 for the months of May,  
8 June, and July 2022, and identify the difference, Bradley violated ORS 696.301(3) and its  
9 implementing rule OAR 863-025-0028(2)(a)(b)(d)(B) (1/1/2022 Edition).

10 **(7) Conclusion of Law:** By failing to resolve the account balance difference prior to the  
11 next reconciliation period of May and June 2022, for CTA #7414, Bradley violated ORS  
12 696.301(3) and its implementing rule OAR 863-025-0028(4) (1/1/2022 Edition).

13 1.23 A review of CTA #7799 reconciliation form for the months of May, June, and July  
14 2022, shows that for each month, the reconciliation form does not include the date when it was  
15 prepared, by whom it was prepared, and it is missing the signature of who prepared it.

16 **(8) Conclusion of Law:** By failing to sign and date the reconciliation form for CTA #7799  
17 for the months of May, June, and July 2022, Bradley violated ORS 696.301(3) and its  
18 implementing rule OAR 863-025-0028(2)(d)(B) (1/1/2022 Edition).

19 1.24 In an interview with Grimes, Bradley stated that CTA #7807 and CTA #7831 were  
20 both closed. A review of Agency records shows that both CTAs were closed on May 8, 2023.

21 **(9) Conclusion of Law:** By failing to notify the Agency within 10-days of closing CTA  
22 #7807 and CTA #7831, Bradley violated ORS 696.301(3) as it incorporates ORS 696.245(2)  
23 (2021 Edition).

24 1.25 On August 24, 2023, Bradley told Grimes in an interview that Hendricks did  
25 maintenance, accounts payable and accounts receivable, site management, communication  
26 with HUD, as well as assisting with owners, turnovers, and inspections.

27 1.26 Bradley stated that he did not have a delegation of authority for Hendricks, as  
28 well as he did not have a list of his duties in writing.

29 **(10) Conclusion of Law:** By failing to have written delegation of authority for Hendricks,  
30 Bradley violated ORS 696.301(3) and its implementing rule OAR 863-025-

1 0015(1)(3)(b)(c)(A)(B)(C)(D)(E) (11/15/2016, 1/1/2018, 1/1/2019, 1/1/2020, 1/1/2021, 1/1/2022,  
2 1/1/2023 Editions).

3 1.27 All of the above demonstrates incompetence or untrustworthiness in performing  
4 acts for which the real estate licensee is required to hold a license.

5 1.28 All of the above demonstrates failure in performing duties to the property owner,  
6 by not providing reasonable care and diligence, and not acting in the required fiduciary  
7 capacity in all matters relating to trust funds.

8 **(11) Conclusion of Law:** Based on the foregoing, Licensee is subject to discipline under  
9 ORS 696.301(12) (2019 and 2021 Editions)

10 **(12) Conclusion of Law:** Based on the foregoing, Licensee is subject to discipline under  
11 ORS 696.301(3) as it incorporates ORS 696.890(4)(c)(e) (2015, 2017, 2019, and 2021  
12 Editions).

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2.

15 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.

16 2.2 The Agency reserves the right to investigate and pursue additional complaints  
17 that may be received in the future regarding this licensee.

18 2.3 In establishing the violations alleged above, the Agency may rely on one or more  
19 of the definitions contained in ORS 696.010.

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3.

22

STIPULATION AND WAIVER

23 I, Glenn Bradley, have read and reviewed this Stipulated Final Order and its Findings of  
24 Fact, Statements of Law and Conclusions of Law. I understand that the Findings of Fact,  
25 Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full and  
26 complete agreement and stipulation between the Agency and me. I further understand that if I  
27 do not agree with this stipulation, I have the right to request a Hearing on this matter and to be  
28 represented by legal counsel at such a Hearing. I also understand that any Hearing would be  
29 conducted in accordance with the procedures set forth in ORS Chapter 183 and in accordance  
30 with the Rules of Practice and Procedure adopted by the Attorney General of the State of

1 Oregon. By signing this Stipulated Final Order, I freely and voluntarily waive my rights to a  
2 Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this  
3 matter.

4 I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and  
5 understand that the Order which follows hereafter, which I have also read and understand,  
6 may be completed and signed by the Real Estate Commissioner or may be rejected by the  
7 Real Estate Commissioner. I further understand that, in accordance with the provisions of  
8 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News  
9 Journal.

10 In addition to all of the above, I agree that once the Commissioner executes this  
11 Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby  
12 waive the right to challenge the validity of service.

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ORDER

IT IS HEREBY ORDERED that Glenn Bradley's principal broker license be, and hereby is reprimanded.

IT IS SO STIPULATED:

IT IS SO ORDERED:



DocuSigned by:  
GLENN JOSEPH BRADLEY  
038927B81534406...  
GLENN BRADLEY

DocuSigned by:  
Steve Strode  
E2C2D0097AD8471...  
STEVEN STRODE

Date 12/11/2023 | 2:03 PM PST

Real Estate Commissioner

Date 12/12/2023 | 8:41 AM PST

Date of Service: 12/12/2023

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

JESSICA LINDSAY BROWN



FINAL ORDER BY DEFAULT

**PROCEDURAL HISTORY AND PROCEDURAL LAW**

1.

1.1 On September 25, 2023, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Revoke License No. PM.200903040 And To Assess A Civil Penalty* the property manager license of Jessica Brown (Brown). The Oregon Real Estate Agency (Agency) sent the Notice of Intent to Brown’s two last known addresses of record with the Agency (2035 SE Harrison Street, Milwaukie, OR 97222 and P.O. Box 16610, Portland, OR 97292). The *Notice of Intent* was also mailed to Brown by regular first-class mail to both of the above addresses in a handwritten envelope. And *The Notice of Intent* was emailed to Brown at her email address of record.

1.2 The email was not returned as undeliverable.

1.3 On October 23, 2023, the certified mailing sent to 2035 SE Harrison Street, Milwaukie, OR 97222 was returned to the Agency as Return to Sender, Undeliverable as Addressed, Unable to Forward. On November 9, 2023, the certified mailing sent to P.O. Box 16610, Portland, OR 97292 was returned to the Agency as Return to Sender, Unclaimed, Unable to Forward. The first-class mailings to both addresses have not been returned to the Agency. Over twenty days (20 days) have elapsed since the mailing of the notice issued in this matter and no written request for hearing has been received by the Agency.



2.

Based upon the foregoing, and upon the Agency's investigation reports, documents and files that, pursuant to Section 9 of the *Notice of Intent*, automatically become part of the evidentiary record of this disciplinary action upon default (for the purpose of proving a prima facie case (ORS 183.417(4)), the Real Estate Commissioner finds:

2.1 A notice of intent is properly served when deposited in the United States mail, registered or certified mail, and addressed to the real estate licensee at the licensee's last known address of record with OREA. (ORS 183.415(2); OAR 137-003-0505; OAR 863-001-0006. If correctly addressed, such a notice is effective even though it is not received by the person to be notified. *Stroh v. SAIF*, 261 OR 117, 492 P2d 472 (1972) (footnote 3 in this case misquotes the cited treatise and contradicts the text of the opinion; treatise and cited case law support the proposition stated in the text.) Also, notice is effective even though the addressee fails or refuses to respond to a postal service "mail arrival notice" that indicates that certified or registered mail is being held at the post office. See *State v. DeMello*, 300 Or App 590, 716 P2d 732 (1986) (discussing use of certified mail to effectuate notice of driver's license suspension under ORS 482.570). See also *El Rio Nilo, LLC v. OLCC*, 240 Or App 362, 246 P3d 508 (2011) (Notice by certified mail effective even though addressee did not pick up in time to file request for hearing timely).(Oregon Attorney General's Administrative Law Manual and Uniform Model Rules Of Procedure Under the Administrative Procedures 2019 Edition at pages 97-98.

2.2 Brown's last known address of record with the Agency was 2035 SE Harrison Street, Milwaukie, OR 97222.

2.3 A certified mailing of the *Notice of Intent* was mailed to Brown at her last known address of record on September 25, 2023. The certified mailing of the notice was returned to the Agency as Return to Sender, Undeliverable as Addressed, Unable to Forward.

2.4 The notice was mailed certified to another possible address for Brown at P.O. Box 16610, Portland, OR 97292. This certified mailing was returned to the Agency as Return to Sender, Unclaimed, Unable to Forward.

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

have not been returned to OREA. The OAH Rules contain a rebuttable presumption that documents sent by regular mail are received by the addressee. ORS 137-003-0520(10). If the regularly mailed notice is actually received, it is effective on the date received, rather than the date of mailing.

2.6 Over twenty (20) days have elapsed since the mailing of the notice and no written request for a hearing has been received.

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

2.8 As noted in section 9 of the *Notice of Intent to Revoke License No. PM.200903040 And To Assess A Civil Penalty*, and section 2 above, the Agency's entire investigation file was designated as the record for purposes of presenting a prima facie case upon default, including submissions from Brown and all information in the administrative file relating to the mailing of notices and any responses received.

### **FINDINGS OF FACT**

#### 3.

3.1 Brown was licensed as a property manager at Portland's Premier Property Management LLC (PPPM) until her license expired on February 1, 2023.

3.2 On March 30, 2023, the Agency received a complaint from Akin Blitz (Blitz) against Brown. The Agency opened an investigation.

3.3 Blitz, who was acting as trustee of the Eugene F. Butori Revocable Living Trust (Butori), alleged in the complaint that Brown defrauded Butori over multiple years in the amount of \$120,055.00.

3.4 On March 31, 2023, the Agency sent Brown an email requesting a response to the complaint. A due date of April 7, 2023, was given.

3.5 On April 11, 2023, Attorney Bruce Shepley (Shepley) notified the Agency that he is representing Brown and to not communicate further with his client.

3.6 On April 18, 2023, the Agency sent a follow up email to Shepley requesting a response from his client. That same day, the Agency received a response from Shepley stating that his client was invoking her rights and would not be responding.

3.7 On May 2, 2023, the Agency sent Shepley an additional email compelling a response from Brown, informing him of the possible consequences to Brown for not responding. That same day, the Agency received a response from Shepley requesting an extension through the end of May. A due date of May 31, 2023, was given.

3.8 On May 31, 2023, Shepley requested the specific allegations made against his client. A copy of the complaint was submitted to Shepley via fax.

3.9 On June 5, 2023, the Agency emailed Shepley following up on the request for a written response to the complaint.

3.10 On June 13, 2023, Shepley notified the Agency that due to a family medical event, Brown would have a delay in providing the written response.

3.11 On June 27, 2023, Shepley notified the Agency that he is no longer representing Brown.

3.12 On June 28, 2023, Agency Investigator Dylan Ray (Ray) emailed Brown asking if she had new representation and if she was willing to cooperate with the Agency. Brown responded on June 30, 2023, that she would like to speak with the Agency, but was out for the week, and would reach out later that day to arrange a time to speak. Brown failed to contact the Agency as she stated she would.

3.13 Ray sent two follow-up emails to Brown, one on June 30, 2023, and the other on July 3, 2023, requesting a time to speak. Brown did not respond to either email.

3.14 On July 5, 2023, Ray sent a records request email to Brown compelling her to provide records of property management activity immediately. The requested records included reconciliation documents, copies of invoices and checks, and individual tenant ledgers for Butori's accounts. Brown was given until the end of the day to comply.

3.15 Brown failed to respond and did not provide the requested records.

3.16 On August 7, 2023, the Agency sent Brown, via DocuSign, settlement offer documents, along with an opportunity to schedule an informal settlement conference with the Agency. Per Agency process, Brown was given two weeks to respond.

3.17 Per DocuSign, the documents were viewed by Brown at 5:46 pm on August 7, 2023.

3.18 On August 24, 2023, Brown sent an email to the Agency requesting the settlement documents be resent. That same day, the settlement offer documents were resent to Brown via DocuSign with a deadline to respond by August 29, 2023.

3.19 Per DocuSign, the documents were viewed by Brown at 10:47 am on August 30, 2023.

3.20 On August 30, 2023, Brown emailed the Agency that she had reviewed the documents and was prepared to respond. Brown indicated that she had questions and requested a time to speak about the process, but was not requesting a settlement conference.

3.21 On August 31, 2023, Agency Senior Case Analyst Meghan Lewis responded to Brown's email, offering assistance, and requested Brown send questions via email for review and response.

3.22 No further response or communication from Brown was received.

**(1) Violation:** By failing to provide requested property management records, Brown violated ORS 696.301(3) as it incorporates OAR 863-025-0035(2)(b)(c) (1/1/2023 Edition) and ORS 696.280 (2021 Edition). OAR 863-025-0035(2)(b)(c) states: a property manager must produce records for inspection of the Agency (b) if the Agency has reasonable grounds to believe that funds of an owner or tenant may be missing or misappropriated or that the property manager is engaging in fraudulent activity, any records demanded or requested by the Agency must be produced immediately; and (c) failure to produce such records within the timelines stated in OAR 863-025-0035(2)(a) or (b) of this section is a violation of ORS 696.301. ORS 696.280 states: Records of licensed real estate property managers and real estate brokers; rules. (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. The Real Estate Agency shall specify by rule the records required to establish complete and adequate records of a licensed real estate property manager's or principal real estate broker's professional real estate activity. The only documents the agency may require by rule a licensed real estate property manager or principal real estate broker to use or generate are documents that are otherwise required by law or are voluntarily generated in the course of conducting professional real estate activity. (4) Except as provided in subsection (2) of this section, records under this section must be maintained by the real estate licensee for a period of not less than six years after the following date: (c) For management of rental real estate, the date on which the record expired, was superseded or terminated, or otherwise ceased to be in effect; and (d) For all other records, the date the record was created or received, whichever is later. (5) Records under this section may be maintained in any format that allows for inspection and copying by the commissioner or the commissioner's representatives, as prescribed by rule of the agency.

3.23 Blitz provided the Agency supporting documentation, including owner ledgers.

3.24 Bank statements were provided to the Agency from the Milwaukie Police Department.

3.25 The owner ledgers labeled BUTOMAPL – 8777 SW Maple Court, Tigard, OR 97223 (BUTOMAPL) and BUTOSEPT – 17608 SW September Lane, Beaverton, OR 97006 (BUTOSEPT), show two payments made to Wagoner Construction LLC.

3.26 The October 2022 owner ledger for BUTOSEPT shows check #8682, with a date of October 18, 2022, in the amount of \$1,260.00. The description reads “General Maintenance Labor – Inv 0113, HOA Repairs, Reduce Trip Hazards to 1”, Remo.”

3.27 The January 2023 owner ledger for BUTOMAPL shows check #8869, with a date of January 9, 2023, in the amount of \$1,405.00. The description reads “General Maintenance Labor, Inv. 0032 – Past Due – Exterior Repairs Water Damage Re.”

3.28 In a review of bank records for PPPM, for the client trust account ending in #5910, a copy of check #8682 was found with a matching date as was reflected in the owner ledger but shows the check payable to PPPM in the amount of \$6,472.00.

3.29 Bank records for PPPM also show a copy of check #8869, with the same date and dollar amount reflected in the owner ledger, but the check was made payable to PPPM.

3.30 On June 22, 2023, in a phone call with Ray, Forrest Wagener, owner of Wagener Construction LLC, confirmed he had never done work for PPPM, he did not know Brown and did not work on the properties identified on the owner's ledger.

**(2) Violation:** By disbursing funds to PPPM from the clients' trust account ending in #5910 but identifying a payee other than PPPM on the owner ledger, Brown violated ORS 696.301(14) (2021 Edition). ORS 696.301(14) states a real estate license may 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.

3.31 The owner ledger from BUTOMAPL for the months of November and December 2022, shows the starting and ending balance differed from the prior months.

3.32 The November 2022 ledger for BUTOMAPL shows a beginning balance of \$1,809.40 as of October 21, 2022. Rental income was shown as \$1,695.00 on October 29, 2022, with an ending balance of \$3,504.40.

3.33 The December 2022 ledger for BUTOMAPL shows a beginning balance of \$1,809.40 as of November 21, 2022. Rental income was shown as \$1,695.00, and disbursements to PPPM were made in the amount of \$135.60 and \$295.00 for management fees and appliance repairs, with an ending balance of \$3,073.80.

3.34 The owner ledger labeled BUTOROTH – 15922 SW Roth Drive, Beaverton, OR 97078 (BUTOROTH) for the months of November and December 2022, shows the starting and ending balance differed from the prior months.

3.35 The November 2022 ledger for BUTOROTH shows a beginning balance of \$4,015.41 as of October 21, 2022. Rental income was shown as \$1,325.00, along with a disbursement to PPPM for \$106.00 for management fees, with an ending balance of \$5,234.41.

3.36 The December 2022 ledger for BUTOROTH shows a beginning balance of \$3,909.41 as of November 21, 2022. Rental income was shown as \$1,325.00, along with a disbursement to PPPM for \$106.00 for management fees. The ending balance was \$5,234.41.

3.37 Neither ledger shows a corresponding disbursement.

**(3) Violation:** By the records of property management activity showing owner ledgers that provide a different starting balance than the prior month's ending balance, without a corresponding disbursement, Brown violated ORS 696.301(3) as it incorporates OAR 863-025-0055(4) (1/1/2022 Edition). OAR 863-025-0055(4) states: (4) a property manager must report in writing to each owner any change in the owner's ledger. A monthly report, showing all receipts and disbursements for the account of the owner during the prior monthly period, is sufficient under this section. A copy of each such report must be preserved and filed in the property manager's records. If an annual report contains information not required to be provided by the property manager under these rules, the property manager must set forth such information separately.

**(4) Violation:** By the records of property management activity showing owner ledgers that fail to include the name of the owner, Brown violated ORS 696.301(3) as it incorporates OAR 863-025-0055(3)(a) (1/1/2022 Edition). OAR 863-025-0055(3)(a) states: (3) all owner ledgers must contain at least the following information; (a) the owner's name and identifying code.

3.38 All of the above demonstrates incompetence and untrustworthiness in performing acts for which the real estate licensee is required to hold a license and conduct that is below the stand of care for the practice of professional real estate activity in Oregon.

**(5) Violation:** The above violations demonstrate incompetence in violation of ORS 696.301 (12) and (15) (2021 Edition) which states a licensee's real estate license may be disciplined who has: (12) demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license; (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.

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**STATEMENT OF LAW APPLICABLE TO FINDINGS OF FACT**

4.

4.1 ORS 696.301(3) states a real estate licensee's real estate license may be disciplined if they have: (3) disregarded or violated any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency

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

4.3 ORS 686.301(15) states a licensee's real estate license may 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.

4.4 ORS 696.396(2)(c)(B) and (C) states the rules adopted by the Commissioner under this section: (c) May not authorize imposition of a suspension or a revocation of a real estate license *unless the material facts establish a violation of a ground for discipline under ORS 696.301* that: (B) Exhibits incompetence in the performance of professional real estate activity; (C) Exhibits dishonest or fraudulent conduct.

4.5 OAR 863-027-0020(1) defines the goal of progressive discipline and OAR 863-027-0020(2) sets out all factors the Real Estate Commissioner will consider when determining the level of discipline for licensees.

4.6 ORS 696.990(6)(a) and (b) states a real state licensee who is a real estate property manager or principal real estate broker and who is engaging in or who has engaged in the management of rental real estate may be required to forfeit and pay to the General Fund of the State Treasury a civil penalty of up to \$1,000.00 per day of violation, or a lesser penalty in an amount determined by the commissioner if the licensee fails to comply with rules that require the licensee to produce for inspection records related to the management of rental real estate that are maintained by the licensee as provided by ORS 696.280; (b) states a civil penalty imposed under this subsection may not exceed \$10,000.00.



4.7 OAR 863-025-0035(2)(b)(c) states (2) a property manager must produce records required under section (1) of this rule for inspection by the Agency as follows: (b) if the Agency has reasonable grounds to believe that funds of an owner or tenant may be missing or misappropriated or that the property manager is engaging in fraudulent activity, any records demanded or requested by the Agency must be produced immediately; and (c) Failure to produce such records within the timelines stated in subsection (a) or (b) of this section is a violation of ORS 696.301.

4.8 ORS 696.280 states the ORS 696.280 states: records of licensed real estate property managers and real estate brokers; rules. (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 real estate broker. The Real Estate Agency shall specify by rule the records required to establish complete and adequate records of a licensed real estate property manager's or principal real estate broker's professional real estate activity. The only documents the agency may require by rule a licensed real estate property manager or principal real estate broker to use or generate are documents that are otherwise required by law or are voluntarily generated in the course of conducting professional real estate activity; (4) except as provided in subsection (2) of this section, records under this section must be maintained by the real estate licensee for a period of not less than six years after the following date; (c) for management of rental real estate, the date on which the record expired, was superseded or terminated, or otherwise ceased to be in effect; and (d) for all other records, the date the record was created or received, whichever is later; (5) records under this section may be maintained in any format that allows for inspection and copying by the commissioner or the commissioner's representatives, as prescribed by rule of the Agency.

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

4.10 And, in accordance with 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.

### **ULTIMATE FINDINGS OF FACT**

#### 5.

5.1 Brown failed to produce the requested property management records to the Agency.

5.2 Brown's property management records show disbursements to PPPM from a clients' trust account but identified a different payee in the owner ledger.

5.3 Brown's property management records show owner ledgers that provide a different starting balance than the prior month's ending balance, without a corresponding disbursement.

5.4 Brown's property management records show owner ledgers that fail to include the name of the owner.

5.5 Brown's complete failure to produce the requested records constitutes grounds to impose a civil penalty as per ORS 696.990(6)(a) and (b).

5.6 Brown demonstrated incompetence and untrustworthiness, and conduct that is below the standard of care for the practice of professional real estate activity in Oregon.

5.7 In summary, the facts above establish grounds to revoke Brown's property manager license and impose a civil penalty in an amount up to \$10,000.00.

### **CONCLUSIONS OF LAW**

#### 6.

6.1 Pursuant to ORS 183.417(4) and OAR 137-003-0670 Brown is in default.

6.2 The material facts establish a violation of a ground for discipline, by preponderance of the evidence, under ORS 696.301 as set forth in the *Notice of Intent to*

*Revoke License No. PM.200903040 And To Assess a Civil Penalty.* ORS 696.396(1),(2)(c)(B) and (C).

6.3 Based on these violations, the Agency may revoke Brown's property manager license.

6.4 Specifically, Brown is subject to discipline pursuant to ORS 696.301(3), (12) and (15) for: (3) disregarding or violating any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency; (12) demonstrating incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license; and (15) engaging in any conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

6.5 A revocation of Brown's property manager license is appropriate for violations of ORS 696.301(3), (12) and (15).

6.6 A revocation of Brown's property manager license is appropriate under ORS 696.396(2)(c)(B) and (C). According to ORS 696.396(2)(c)(B) and (C) the Agency may revoke a real estate license if the material facts establish a violation of a ground of discipline under ORS 696.301 that (B) exhibits incompetence in the performance of professional real estate activity; (C) exhibits dishonest or fraudulent conduct.

6.7 The *Notice of Intent to Revoke License No. PM.200903040 And To Assess a Civil Penalty* also established grounds to assess a civil penalty pursuant to ORS 696.990(6)(a)(b), and based on these violations, the Agency may assess a civil penalty against Brown.

6.8 Based on the evidence in the record, the preponderance of the evidence supports the revocation of Brown's property manager license.

6.9 The Agency may therefore, revoke Brown's property manager license. The Agency may also assess a civil penalty in the amount of \$10,000.00.

6.10 Pursuant to ORS 696.775 the expiration or lapsing of Brown's license does not prohibit the Commissioner from proceeding with this, or further action.

6.11 The specific violations are repeated here below:

**(1) Violation:** By failing to provide requested property management records, Brown violated ORS 696.301(3) as it incorporates OAR 863-025-0035(2)(b)(c) (1/1/2023 Edition) and ORS 696.280 (2021 Edition). OAR 863-025-0035(2)(b)(c) states: a property manager must produce records for inspection of the Agency (b) if the Agency has reasonable grounds to believe that funds of an owner or tenant may be missing or misappropriated or that the property manager is engaging in fraudulent activity, any records demanded or requested by the Agency must be produced immediately; and (c) failure to produce such records within the timelines stated in OAR 863-025-0035(2)(a) or (b) of this section is a violation of ORS 696.301. ORS 696.280 states: Records of licensed real estate property managers and real estate brokers; rules. (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. The Real Estate Agency shall specify by rule the records required to establish complete and adequate records of a licensed real estate property manager's or principal real estate broker's professional real estate activity. The only documents the agency may require by rule a licensed real estate property manager or principal real estate broker to use or generate are documents that are otherwise required by law or are voluntarily generated in the course of conducting professional real estate activity. (4) Except as provided in subsection (2) of this section, records under this section must be maintained by the real estate licensee for a period of not less than six years after the following date: (c) For management of rental real estate, the date on which the record expired, was superseded or terminated, or otherwise ceased to be in effect; and (d) For all other records, the date the record was created or received, whichever is later. (5) Records under this section may be maintained in any format that allows for inspection and copying by the commissioner or the commissioner's representatives, as prescribed by rule of the agency.

**(2) Violation:** By disbursing funds to PPPM from the clients' trust account ending in #5910 but identifying a payee other than PPPM on the owner ledger, Brown violated ORS 696.301(14) (2021 Edition). ORS 696.301(14) states a real estate license may 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.

**(3) Violation:** By the records of property management activity showing owner ledgers that provide a different starting balance than the prior month's ending balance, without a corresponding disbursement, Brown violated ORS 696.301(3) as it incorporates OAR 863-025-0055(4) (1/1/2022 Edition). OAR 863-025-0055(4) states: (4) a property manager must report in writing to each owner any change in the owner's ledger. A monthly report, showing all receipts and disbursements for the account of the owner during the prior monthly period, is sufficient under this section. A copy of each such report must be preserved and filed in the property manager's records. If an annual report contains information not required to be provided by the property manager under these rules, the property manager must set forth such information separately.

**(4) Violation:** By the records of property management activity showing owner ledgers that fail to include the name of the owner, Brown violated ORS 696.301(3) as it incorporates OAR 863-025-0055(3)(a) (1/1/2022 Edition). OAR 863-025-0055(3)(a) states: (3) all owner ledgers must contain at least the following information; (a) the owner's name and identifying code.

**(5) Violation:** The above violations demonstrate incompetence in violation of ORS 696.301 (12) and (15) (2021 Edition) which states a licensee's real estate license may be disciplined who has: (12) demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license; (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.

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ORDER

IT IS HEREBY ORDERED that Jessica Brown's property manager license is revoked.

IT IS FURTHER ORDERED that, pursuant to ORS 696.990(6)(a)(b) and based upon the violation set forth above, Brown pay a civil penalty of \$10,000.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to OREA.

Dated this 28th day of November, 2023.

OREGON REAL ESTATE AGENCY

DocuSigned by:  
*Steve Strobe*  
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Steven Strobe  
Real Estate Commissioner

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NOTICE OF RIGHT TO APPEAL: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the date of service of this order. Judicial review is to the Oregon Court of Appeals, pursuant to the provisions of ORS 183.482.

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of )  
ANGELA R. BRUMANA ) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Angela Brumana (Brumana) do hereby agree and stipulate to the following:

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Brumana was licensed as a property manager acting in the capacity of a sole practitioner and doing business under the registered business name of Allcities Property Management, LLC. (Allcities).

1.2 On December 20, 2022, the Agency received a complaint from Michelle Davidson (Davidson) against Brumana. The Agency opened an investigation.

1.3 Davidson, a property owner, stated in the complaint that there were inconsistencies with payment entries in two of the tenant’s ledgers that were discovered when she transitioned to a new company to manage her properties.

1.4 On April 18, 2023, Agency Investigator Cidia Nañez (Nañez) emailed Brumana asking for a response to the allegation that Allcities overcharged the tenant at 3012 Alameda Street (Alameda) by \$1,468.00.

1.5 In response to the complaint, Brumana wrote that “Rent on the unit was \$1500 His rent was \$1000, and his girlfriend paid the remaining \$500 per her co-signer agreement. Housing Authority paid \$86 [sic], tenant paid \$133, and his co-signer paid the \$500. The tenant was no [sic] overcharged by \$1468.”

1           1.6     Nañez interviewed new property manager Toni Thompson (Thompson) on May  
2 9, 2023. Thompson said that the tenant told her he had been paying \$500.00 per month, and  
3 always paid his rent by money order.

4           1.7     Nañez requested that Brumana provide documentation that showed who the  
5 payments came from, along with copies of the checks or money orders Brumana received from  
6 the tenant and co-signer for rent payments posted to the tenant's ledger.

7           1.8     In response, Brumana wrote that she did not keep copies of checks or  
8 payments.

9 **(1) Conclusion of Law:** By failing to keep copies of checks or money orders received from  
10 tenants for payment of rent, Brumana violated ORS 696.301(3) as it incorporates ORS  
11 ORS696.280(4)(d) (2021 Edition). For this same act, Brumana also violated ORS 696.301(3)  
12 and its implementing rule OAR 863-025-0035(1)(k) (1/1/2023 Edition).

13           1.9     The Housing Assistance Payments (HAP) contract for the Alameda tenant was  
14 approved based on the contract rent amount of \$1,000.00 per month. The agreement stated  
15 the Housing Authority of Jackson County (HAJC) would pay \$867.00 per month and the tenant  
16 would pay \$133.00 per month.

17           1.10    A review of the tenant ledger showed payment entries from June 13, 2022,  
18 through October 18, 2022. The tenant ledger did not contain any payment entries from the  
19 tenant for \$133.00.

20           1.11    As part of the complaint, two lease agreements for the Alameda tenant were  
21 provided. A review of one of the lease agreements shows the monthly rent amount of  
22 \$1,000.00 and the second lease agreement shows the monthly rent amount of \$1,500.00.

23           1.12    In response to the Agency regarding the payments, Brumana wrote, "*The tenant*  
24 *had a cosigner for this unit. His portion of the rent per JCHA was \$1000 that is what the tenant*  
25 *paid. The owner wanted \$1500 for this unit and since the tenant could only get \$1000 he got a*  
26 *co-signer who was paying the difference of his rent this person was his girlfriend who resided*  
27 *at 307 Hamilton in Medford. She was making the \$500 difference in payments for this rental.*"

28           1.13    On April 27, 2023, Nañez interviewed Brumana. Brumana said she knew they  
29 were not supposed to have tenants pay more than their limit, but the tenant's case manager  
30 told her she could. Brumana said she should have gotten that in writing.



1 **(2) Conclusion of Law:** By not disclosing two different rental agreements and by allowing  
2 a tenant to rent a property that was \$500.00 more per month than the \$1,000.00 limit that had  
3 been approved by HAJC, Brumana violated ORS 696.301(3) as it incorporates ORS  
4 696.890(4)(a)(b)(c)(e) (2021 Edition). Brumana also violated ORS 696.301(3) and its  
5 implementing rule OAR 863-025-0045(1)(c) (1/1/2022 Edition).

6 1.14 A review of HAJC's payment log, showed check number 104949, in the amount  
7 of \$1,676.20, dated July 1, 2022. The check was tied to two payments for the Alameda tenant,  
8 \$809.20 for the prorated June 2022 rent, and \$867.00 for July 2022 rent.

9 1.15 A review of the tenant's ledger shows two payment entries on July 5, 2022,  
10 referencing check 104949. The first payment entry is \$867.00, and the other is \$193.00. The  
11 total amount applied was \$1,060.00.

12 1.16 There was a discrepancy of \$616.20, between the HAJC payment log and the  
13 tenant's ledger.

14 1.17 A review of the July 2022 Deposit Register CTA-7300 shows that Brumana did  
15 not apply funds of \$616.20 from HAJC check 104949 toward the tenant's rent.

16 **(3) Conclusion of Law:** By failing to apply \$616.20, received from HAJC, for the Alameda  
17 tenant's June 2022 prorated rent, to his tenant ledger, Brumana violated ORS 696.301(3) as it  
18 incorporates ORS 696.890(4)(a)(d)(e)(f) (2021 Edition).

19 **(4) Conclusion of Law:** By not posting \$616.20 to the tenant's ledger, Brumana violated  
20 ORS 696.301(3) and its implementing rule OAR 836-025-0035(3)(b) (1/1/2022 Edition).

21 1.18 A review of HAJC's payment log showed check number 105692 dated  
22 September 1, 2022, in the amount of \$867.00.

23 1.19 A review of the tenant ledger shows two payments for September 2022, with  
24 reference number 105692. One payment is recorded in the amount \$867.00, and the second in  
25 the amount of \$241.35.

26 1.20 A review of receipts provided to the Agency by Brumana on May 4, 2023, shows  
27 that on September 7, 2022, the tenant's cosigner made a payment for rent in the amount of  
28 \$241.35.

29 1.21 The receipt provided by Brumana does not reconcile with the payment allocated  
30 from the HAJC check 105692.

1 **(5) Conclusion of Law:** By recording in the deposit register a rent payment for the benefit  
2 of the tenant from HAJC check 105692, which was contrary to the receipt provided to the  
3 Agency, Brumana violated ORS 696.301(3) as it incorporates ORS 696.890(4)(a)(d)(e)(f)  
4 (2021 Edition). Brumana also violated ORS 696.301(3) and its implementing rule OAR 836-  
5 025-0035(3)(b) (1/1/2022 Edition).

6 1.22 The tenant rental agreement for a property located at 1519 Westin Heights  
7 (Westin Heights) was \$1,575.00 per month.

8 1.23 In response to the complaint that the owner was receiving \$1,600.00 per month  
9 for Westin Heights, Brumana wrote that the owner wanted \$1,600.00 per month for the  
10 property, but was only going to get \$1,575.00, so Brumana paid the difference of \$25.00.

11 **(6) Conclusion of Law:** By providing a rental agreement with the tenants of Westin  
12 Heights that showed a monthly rent of \$1,575.00, which was contrary to the rental income of  
13 \$1,600.00 per month that was paid to the property owner, Brumana violated ORS 696.301(3)  
14 as it incorporates ORS 696.890(4)(a)(b)(c) (2021 Edition).

15 1.24 A review of the 2022 check register for CTA 7300 (CTA #7300), provided to the  
16 Agency on April 19, 2023, showed some disbursements were missing the purpose of the  
17 disbursement.

18 1.25 In the same review, some receipts of funds lack the purpose of the funds, as well  
19 as the identity of the person who tendered the funds.

20 **(7) Conclusion of Law:** By failing to record the purpose of disbursements in the check  
21 register for CTA #7300, along with failing to identify the person who tendered the funds,  
22 Brumana violated ORS 696.301(3) and its implementing rule OAR 863-025-  
23 0040(2)(a)(C)(b)(D) (1/1/2022 Edition).

24 1.26 The check register for CTA #7300 shows check #29363, dated February 1, 2022,  
25 in the amount of \$42,700.00 paid to 'BCTHA.' The purpose of the disbursement indicates  
26 "interiors for rebuild."

27 1.27 In response to the Agency, Brumana explained that BCTHA stood for Bear Creek  
28 Townhouse Homeowner's Association, Inc. Brumana stated that amounts of \$12,500.00 and  
29 \$30,000.00, were payments for two properties for common area reconstruction after the  
30 Alameda Fire destroyed most of the subdivision.

1 1.28 Brumana did not provide the Agency an owner ledger for BCTHA with a  
2 beginning and ending balance that would show sufficient funds available for disbursement of  
3 funds.

4 **(8) Conclusion of Law:** By making deposits from an HOA for insurance payouts into CTA  
5 #7300, Brumana violated ORS 696.301(3) and its implementing rule OAR 863-025-  
6 0025(5)(a)(b) (1/1/2023 Edition).

7 **(9) Conclusion of Law:** By failing to provide an owner's ledger as requested by the  
8 Agency, Brumana violated ORS 696.301(3) and its implementing rule OAR 863-025-  
9 0035(2)(a) (1/1/2023 Edition).

10 1.29 A review of the 2022 Disbursement Detail for CTA #7300 showed that property  
11 owners managed by Allcities had been charged for "ground maintenance" from a vendor called  
12 As Green As It Gets.

13 1.30 The Oregon Secretary of State, Corporation Division, shows Brumana as a  
14 registered agent and manager of As Green As It Gets. The business name was registered on  
15 November 9, 2022.

16 1.31 The PMA for Alameda does not show that Allcities disclosed As Green As It Gets  
17 as a vendor to provide maintenance.

18 **(10) Conclusion of Law:** By not disclosing her business interest in the vendor As Green As  
19 It Gets, for the Alameda property, Brumana violated ORS 696.301(3) as it incorporates ORS  
20 696.890(4)(a)(c)(g) (2021 Edition). Brumana also violated ORS 696.301(3) and its  
21 implementing rule OAR 863-025-0020(2)(j) (1/1/2022 Edition).

22 1.32 Nañez interviewed Davidson on April 26, 2023. Davidson stated that after a  
23 tenant left a unit damaged, Brumana told her for two years that she had filed paperwork with  
24 HUD, when she had not.

25 1.33 Davidson provided the Agency email communication between herself and  
26 Brumana. In an email dated December 21, 2021, Brumana states "*I am willing to just pay you  
27 this money for the miscommunication and the lack of follow through on my part for this tenant.*"

28 1.34 Davidson provided emails to the Agency with Brumana regarding service  
29 charges that she was receiving from the City of Medford for bills paid late.  
30

1           1.35 In an email dated December 23, 2021, Brumana admitted that she “...failed to do  
2 *the responsibility I agreed to.*” Brumana wrote that she would cut a check to Davidson for  
3 \$912.05, to cover the amount owed by the tenant and the late fees incurred by the City of  
4 Medford.

5 **(11) Conclusion of Law:** By failing to follow up with HUD to confirm a claim had been filed  
6 for a damaged unit, and by failing to pay the City of Medford timely, resulting in late fees for the  
7 property owner, Brumana violated ORS 696.301(3) as it incorporates ORS 696.890(4)(c)(d)(e)  
8 (2021 Edition).

9           1.36 All of the above demonstrates incompetence or untrustworthiness in performing  
10 acts for which the real estate licensee is required to hold a license and conduct that is below  
11 the standard of care for the practice of professional real estate activity in Oregon.

12 **(12) Conclusion of Law:** Based on the foregoing, Licensee is subject to discipline under  
13 ORS 696.301(12) and (15) (2021 Edition)

14

15

2.

16           2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.

17           2.2 The Agency reserves the right to investigate and pursue additional complaints  
18 that may be received in the future regarding this licensee.

19           2.3 In establishing the violations alleged above, the Agency may rely on one or more  
20 of the definitions contained in ORS 696.010.

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23

STIPULATION AND WAIVER

24           I, Angela Brumana, have read and reviewed this Stipulated Final Order and its Findings  
25 of Fact, Statements of Law and Conclusions of Law. I understand that the Findings of Fact,  
26 Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full and  
27 complete agreement and stipulation between the Agency and me. I further understand that if I  
28 do not agree with this stipulation, I have the right to request a Hearing on this matter and to be  
29 represented by legal counsel at such a Hearing. I also understand that any Hearing would be  
30 conducted in accordance with the procedures set forth in ORS Chapter 183 and in accordance

1 with the Rules of Practice and Procedure adopted by the Attorney General of the State of  
2 Oregon. By signing this Stipulated Final Order, I freely and voluntarily waive my rights to a  
3 Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this  
4 matter.

5 I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and  
6 understand that the Order which follows hereafter, which I have also read and understand,  
7 may be completed and signed by the Real Estate Commissioner or may be rejected by the  
8 Real Estate Commissioner. I further understand that, in accordance with the provisions of  
9 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News  
10 Journal.

11 In addition to all of the above, I agree that once the Commissioner executes this  
12 Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby  
13 waive the right to challenge the validity of service.

14  
15 ORDER

16 IT IS HEREBY ORDERED that Angela Brumana's property manager license be, and  
17 hereby is reprimanded.

18  
19  
20 IT IS SO STIPULATED:

IT IS SO ORDERED:

21  
22 DocuSigned by:

23 *Angela Brumana*

24 356638D41FF0438...

ANGELA R. BRUMANA

25  
26 Date 1/17/2024 | 9:16 AM PST

DocuSigned by:

23 *Steve Strode*

24 E2C2D0097AD8471...

STEVEN STRODE

Real Estate Commissioner

26 Date 1/17/2024 | 10:09 AM PST

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28 Date of Service: 1/17/2024



REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of )  
LISA CHRISTINE COLLINS ) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Lisa Collins (Collins) do hereby agree and stipulate to all of the following in lieu of Hearing. Collins does not dispute the Agency’s Procedural History. Collins disputes the Agency’s Findings of Facts and Conclusions of Law set forth herein. In order to resolve the dispute, Collins accepts the Order of Reprimand which results therefrom.

PROCEDURAL HISTORY

On May 4, 2021, the Agency issued a Notice of Intent to Revoke License No. PB. 201212857: Notice of Opportunity for Hearing. On May 24, 2023, through her previous attorney, Collins requested a hearing. The hearing was scheduled to occur on October 16, 2023, through October 18, 2023. Attorney Dean Alterman, on behalf of his client, Collins, entered into settlement discussions with the Agency and this Stipulated Final Order is the result of those discussions.

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

1.

In establishing the violations set forth herein, the Agency may rely on one or more of the definitions contained in ORS 696.010.

1.1 Collins was initially licensed as a property manager. On October 14, 2015, Collins’ property manager license was associated with the registered business name Trilliant

1 Property Management LLC (Trilliant). Later, on March 5, 2018, Collins obtained her real estate  
2 broker license. On October 30, 2020, Collins submitted a principal broker license application  
3 and in March 2021, Collins' principal broker license became active.

4 1.2 Collins was originally licensed as Lisa Holmes, her birth name. In January 2016,  
5 after Collins married a man named Anderson, she changed her licensed name to Lisa  
6 Anderson. In March 2018, after marrying a man named Collins, she changed her licensed  
7 name to Lisa Collins.

8 1.3 Collins's middle name is Christine, which Collins has sometimes used as part of  
9 her name. References to the name Collins, Holmes and Anderson are all the same person  
10 throughout this Stipulated Order.

11 1.4 In November 2017, the Agency received a complaint from Sara Kay Shatto  
12 (Shatto) against Trilliant and another complaint was received in May 2018 from Jacquie LaDue  
13 (LaDue), both were opened as separate investigations.

14 **Facts and Violations Related to Sara Shatto's Complaint/Investigation:**

15 1.5 Prior to forming Trilliant, Property Manager, Luana Parker (Parker), owned and  
16 managed the property management company Apex Property Management (Apex).

17 1.6 Records show Shatto signed a property management agreement with Parker and  
18 Apex effective April 13, 2015.

19 1.7 Shortly after establishing Apex, Parker changed the property management  
20 company name to Trilliant. On October 8, 2015, Parker's license was associated to Trilliant.

21 1.8 On October 14, 2015, the day that Collins's license was first associated with  
22 Trilliant, Parker delegated to Collins, the authority to negotiate and sign property management  
23 agreements, review and approve clients' trust account reconciliations, and negotiate tenant  
24 and rental lease agreements.

25 1.9 The tenants in the house that Trilliant managed for Shatto wanted to replace the  
26 gas stove in the house with an electric stove. According to Collins the tenants stated they were  
27 willing to pay for it. However, Collins failed to ensure the tenants paid for the electric stove and  
28 installation.

29 1.10 Shatto's property management agreement included the following in part:  
30

- 1 • “Line item II. Duties of Manager: (O), Non-essential items exceeding
- 2 \$250.00 will be done with permission of owner first,” and
- 3 • “Line Item, IV. Repairs and Maintenance, the manager shall make
- 4 ordinary and reasonable repairs, without the prior written approval of the
- 5 Owner, in an amount not to exceed \$250.00, except emergency repairs
- 6 exceeding that amount, if in the sole discretion of the Manager, such
- 7 expenditures are necessary to protect and preserve the property from
- 8 damage.”

9 1.11 Collins failed to obtain written authorization from Shatto for the purchase of a  
10 \$600.00 electric range, which required \$375.00 in electrical installation, both amounts over  
11 \$250.00, though the tenant did eventually pay for the stove and the installation.

12 **(1) Conclusion of Law:** By failing to get written authorization from property owner Shatto  
13 for the purchase and installation of an electric range without first assuring that the expense  
14 would fall on the tenant and not on Shatto, Collins violated ORS 696.890(4)  
15 (b),(c), and (f) (2015 Edition).

16 1.12 Oregon Secretary of State Corporate Division showed Parker and Collins have  
17 multiple business names registered. One of those business names, which appear on Shatto’s  
18 owner statements with disbursements is Holmes Services, LLC. Collins is shown as a  
19 manager for Holmes Services, LLC.

20 1.13 Shatto’s property management agreement with Trilliant states, that the manager  
21 may, at some future date, form an independent company to provide maintenance services for  
22 the property and the owner would be advised in advance in writing of applicable rates and  
23 fees. There was no addendum to the property management agreement that shows Shatto was  
24 informed in writing of Collins’ pecuniary interest in Holmes Services, LLC, or applicable rates  
25 and fees for Holmes Services LLC.

26 **(2) Conclusion of Law:** By failing to disclose to Shatto in writing the applicable rates and  
27 fees per terms of the property management agreement, and Collins’ pecuniary interest in  
28 Holmes Services, LLC, Collins violated ORS 696.301(3) as it incorporates OAR 863-025-  
29 0020(2)(f) and (i) (5-15-14 and 11-15-16 Editions). Additionally, Collins violated ORS  
30 696.890(4)(b) and (g) (2015 Edition).



1 **Facts and Violations Related to Jacqui LaDue's Complaint/Investigation:**

2 1.14 LaDue signed a property management agreement with Trilliant effective April 1,  
3 2016 for 893 Norwood St, SE Salem. The property management agreement states upon rental  
4 of the property, the manager will receive \$250.00 as compensation for photo and video  
5 documentation of the property inside and outside, a 30-day, 90-day, 180-day and annual  
6 inspection and a complete application and leasing process.

7 1.15 Upon commencement of the property management agreement Trilliant took  
8 photos of 893 Norwood. A review of the exterior photos show manicured lawn and shrubs.  
9 Interior photos show 893 Norwood was vacant with no visible signs of damage or excessive  
10 wear and tear.

11 1.16 Parker and Collins agreed Collins would be the primary property manager for 893  
12 Norwood.

13 1.17 893 Norwood was occupied by tenants on April 25, 2016. LaDue's owner  
14 statement dated May 1-20, 2016, shows a \$250.00 disbursement to Trilliant dated May 18,  
15 2016, identified as "Management Fee- Lease Fee."

16 1.18 Inspection photos for 893 Norwood were submitted to the Agency dated April 2,  
17 2016, August 2, 2017, and May 30, 2018. The photos appear identical, even though tenant  
18 ledgers show tenants occupied the property on August, 2, 2017, and on May 30, 2018.

19 1.19 Neither Parker nor Collins could recall if the inspections and photo  
20 documentation were performed. Parker explained, the photos taken April 2, 2016, were taken  
21 at the onset of the property management agreement and used for marketing purposes. Neither  
22 Parker nor Collins could provide supporting documentation such as photos or video of interior  
23 and exterior inspections to show this service was provided to the owner, per the term of the  
24 property management agreement.

25 **(3) Conclusion of Law:** By failing to follow the property management agreement terms  
26 regarding interior/exterior photos, video documentation and inspections that Trilliant received  
27 compensation for, Collins violated ORS 696.301(15) (2015 Edition). Additionally, Collins  
28 violated ORS 696.890(4)(a),(c), and (f) (2015 Edition).

29 1.20 Property owner Robin Rigoli (Rigoli) signed a property management agreement  
30

1 with Apex dated October 4, 2015, regarding the management of her property located at 4672  
2 Bradford Loop, Salem, OR. The property management agreement is signed and dated by  
3 Parker.

4 1.21 Collins occupied 4672 Bradford Loop, effective May 1, 2017, for a monthly rental  
5 amount due of \$1,450.00. The rental agreement was signed by Collins under the name “Lisa  
6 Anderson” as Lessee (her legal and licensed name at the time) and was signed by Terry  
7 Grubaugh (employee of Trilliant) for Lessor. A review of the additional occupants shows four of  
8 Collins’ minor children.

9 1.22 The tenant ledger and owner ledger statement for 4672 Bradford Loop shows the  
10 tenant of 4672 Bradford Loop as Christine Holmes (Collins’s middle name and family name at  
11 birth), effective May 1, 2017. The owner ledger statement did not disclose that the tenant  
12 identified as Christine Holmes was her property manager Lisa Anderson.

13 1.23 Dated June 23, 2017, Collins (then named Lisa Anderson) sent an email to  
14 Rigoli regarding 4672 Bradford Loop SE. Collins wrote in part, “As it is, the tenant feels  
15 extremely harassed. She is requesting permission to move without penalty as soon as she can  
16 find another place to live. It would be sometime this summer so that we can re-rent the place.”  
17 The email was signed “Lisa Anderson, Property Manager” and is written from the perspective  
18 of Collins as the property manager. The entire email portrays the tenant as a separate and  
19 different individual from Collins, when in fact they were one and the same person (the tenant  
20 “Christine Holmes” was “Lisa Anderson”).

21 1.24 In interview with Collins on December 5, 2018, she admitted she didn’t tell Rigoli  
22 that she was the tenant of Rigoli’s property, explaining it looked bad to be a property manager  
23 and on housing assistance and didn’t want Trilliant to be judged.

24 **(4) Conclusion of Law:** Collins failed to disclose a material fact to Rigoli by failing to  
25 identify herself as tenant “Christine Holmes” as shown on Rigoli’s owner ledger statement and  
26 in written communication dated June 23, 2017, in violation of ORS 696.890(4)(b) and (g) (2015  
27 Edition). Additionally, Collins violated ORS 696.301(12) and (15) (2015 Edition).

1           1.25 Rigoli's owner ledger statement showed work was performed by H & N  
2 Consulting, LLC, which was one of Collins' companies. According to Rigoli's property  
3 management agreement, the manager may form an independent company to provide  
4 maintenance services for the property, and the owner must be advised in advance in writing of  
5 applicable rates and fees. Rigoli was never notified in writing regarding the rates and fees for  
6 H& N Consulting, LLC, nor was Rigoli notified regarding Collins' pecuniary interest in H & N  
7 Consulting, LLC.

8 **(5) Conclusion of Law:** By failing to notify Rigoli in writing of her pecuniary interest in H &  
9 N Consulting, LLC Collins violated ORS 696.890(4)(b) and (g) (2015 Edition).

10           1.26 Records show Collins leased 4672 Bradford Loop, effective May 1, 2017. The  
11 rental agreement was signed by Collins under the name "Lisa Anderson" (her legal and  
12 licensed name at the time) and showed a monthly rent of \$1,450.00.

13           1.27 According to the tenant ledger, which is identified under the name "Christine  
14 Holmes" (another name for Collins), occupancy occurred between May 1 – July 31, 2017.  
15 Additionally, text records show occupancy continued through August 1-4, 2017.

16           1.28 According to Rigoli's owner ledger statement dated April 24-May 18, 2017, there  
17 was no rental income shown received in May 2017. Rigoli's owner ledger statement dated May  
18 19 - June 19, 2017, shows a partial payment of \$690.00 identified as May rent. Records do not  
19 show additional payment identified as the remaining May rent due. The tenant ledger for  
20 Christine Holmes shows rental income was charged for May 2017, in the amount of \$1,450.00,  
21 but there is no rental income shown received during May 1-31, 2017.

22           1.29 Overall, for May 1, 2017 – August 31, 2017, Rigoli's owner ledger statements  
23 shows only \$3,333.00 received from "Lisa Anderson" (tenant "Christine Holmes"). Calculations  
24 show rent for May, June, July at \$1,450- and 4-days prorated rent of August total is  
25 approximately \$4,543.32. According to the tenant ledger for "Christine Holmes" only \$3,600 in  
26 rental income was received May 1- August 29, 2017, a benefit of \$943.32 to Anderson. Collins  
27 has stated that the housing assistance program paid a portion of her rent and the owner  
28 received full rent for the period of Collins's occupancy, but the portion paid by the housing  
29 assistance program was not properly entered as rent on the records of Trilliant.

1 **(6) Conclusion of Law:** By occupying 4672 Bradford Loop effective May 1, 2017, without  
2 making a rental payment during the month of May, not making full payment of rent due for  
3 the entire rental period May 1- August 4, 2017, and not properly recording the subsidized  
4 housing payments to Rigoli as rent on the client ledger of Trilliant, Collins violated ORS  
5 696.890(4),(c) and (d) (2015 Edition). Additionally, Collins violated ORS 696.301(12) (2015  
6 Edition).

7 1.30 All of the above demonstrates conduct below the standard of care for the practice  
8 of professional real estate activity in Oregon. According to ORS 696.301(12) and (15), the  
9 Agency may discipline a licensee if the licensee has (12) Demonstrated incompetence or  
10 untrustworthiness in performing any act for which the real estate licensee is required to hold a  
11 license; and (15) Engaged in any conduct that is below the standard of care for the practice of  
12 professional real estate activity in Oregon as established by the community of individuals  
13 engaged in the practice of professional real estate activity in Oregon. Collins and the Agency  
14 stipulate that the foregoing allegations, if proven, include facts that would constitute violations  
15 of Oregon laws and regulations applicable to real estate licensees, and that those violations, if  
16 proven, would be grounds for discipline pursuant to the statutes and rules cited above. For  
17 purposes of resolution of the complaints pending against her only, Collins agrees to the  
18 imposition of a reprimand of Collins' Principal Broker License under ORS 696.301(12) and (15)  
19 (2015 Edition and 2017 Edition).

20  
21 2.

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

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3.

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

4.

STIPULATION AND WAIVER

I, Lisa Collins, have read and reviewed this Stipulated Final Order and its Findings of Fact and Conclusions of Law. I understand that the Findings of Fact, Conclusions of Law and this Stipulation and Waiver of Hearing rights 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. I also understand that any Hearing would be 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. By signing this Stipulated Final Order, 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, which I have also read and understand, may be completed and signed by the Real Estate Commissioner or may be rejected by the Real Estate Commissioner. I further 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.

In addition to all of the above, I agree that once the Commissioner executes this Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby waive the right to challenge the validity of service.

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ORDER

IT IS HEREBY ORDERED that Lisa Collins' principal broker license be, and hereby is reprimanded.

IT IS HEREBY ORDERED that Collins will be subject to a Client Trust Account Reconciliation in 2024 to be conducted in accordance with OAR 863-025-0090.

IT IS HEREBY ORDERED that Collins will be subject to a Compliance Review in 2025 to be conducted in accordance with OAR 863-025-0080.

IT IS FURTHER ORDERED that Collins complete the 27-hour Property Manager Advanced Practices Course, (detailed in OAR 863-022-0022, 1-1-21 Edition) within 120 days from when the Commissioner signs this order. Previously completed 27-hour Property Manager Advanced Practices Courses do not qualify. Collins must submit a certificate to the Agency showing completion of the 27-hour Property Manager Advanced Practices Course. This certificate must be submitted to the Agency no later than 10 days after the education has been completed. Failure to complete the required education and to submit the certificate of completion would be a violation of ORS 696.301(13) (2021 Edition).

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:

*Lisa Collins*

0230D72712F9472...

LISA COLLINS

Date 12/19/2023 | 5:52 PM PST

DocuSigned by:

*Steve Strode*

E2C2D0097AD8471...

STEVEN STRODE

Real Estate Commissioner

Date 12/20/2023 | 9:18 AM PST

Date of Service: 12/20/2023



REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of )  
KEVIN LOREN HALE ) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Kevin Hale (Hale) do hereby agree and stipulate to the following:

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Hale was licensed as a real estate broker with Coldwell Banker Farley Company.

1.2 On March 28, 2023, the Agency received a complaint from Frances Barnett (F. Barnett) and Donald Barnett (D. Barnett) against Hale. The Agency opened an investigation.

1.3 Hale represented both the Barnetts, as buyers, and Paul Weston (P. Weston) and Katie Weston, as sellers, in the sale of a property in Pendleton, OR (the Property).

1.4 Closing documents for the Property were signed on March 28, 2022.

1.5 In the complaint, the Barnetts stated that on April 5, 2022, Hale electronically signed F. Barnett's signature via DocuSign on the seller's property disclosure statement, vacant land addendum, and lead-based paint addendum. The incorrect spelling of F. Barnett's name on the document was noted.

1.6 A review of documents show that F. Barnett electronically signed Addendum # Two on February 23, 2022, and D. Barnett electronically signed on March 10, 2022. Addendum # Three was electronically signed by F. Barnett on March 7, 2022, and D. Barnett

1 on March 10, 2022. Addendum # Four and Seller's Repair Addendum were both electronically  
2 signed by F. Barnett only on March 7, 2022.

3 1.7 A review of the Residential Real Estate Sales Agreement (PSA) shows the  
4 Westons initialed each page and signed the acceptance page. F. Barnett initialed each page  
5 and signed the acceptance page for herself and D. Barnett.

6 1.8 A review of the Lead Based Paint Disclosure Addendum, Seller's Property  
7 Disclosure, and Vacant Land Disclosure Addendum show that they were electronically signed  
8 by "Francis Barnett" and Hale on April 5, 2022. They were not signed by D. Barnett.

9 1.9 In a response to the complaint, Hale stated that he did sign the DocuSign  
10 documents on behalf of F. Barnett on April 5, 2022, and was "shocked" when he discovered he  
11 had. Hale stated that he includes himself on his DocuSign packages and this showed that he  
12 emailed the buyer signing to himself. Hale stated he had no explanation or recollection for  
13 doing this, but that there was no intent to do harm or ill will.

14 1.10 Section 12 of the PSA states that if a property was constructed prior to 1978,  
15 then on or promptly after the Effective Date, seller will deliver to buyer OREF 021 Lead-Based  
16 Paint Disclosure Addendum, along with the EPA pamphlet entitled "Protect Your Family From  
17 Lead in Your Home." This section also provides the buyer with 10-calendar days to conduct a  
18 lead-based paint inspection and allows for termination of the agreement at any time during the  
19 10-day period.

20 1.11 In an interview with Agency Investigator Dylan Ray (Ray) on July 26, 2023, when  
21 asked if copies of the disclosures were sent to the Barnetts after they were signed on April 5,  
22 2022, Hale said no, because he thought it was sent to F. Barnett when the DocuSign was  
23 completed. Hale said he provided F. Barnett with a folder that included the disclosures at the  
24 time F. Barnett signed the PSA.

25 1.12 F. Barnett told Agency Investigator Aaron Grimes (Grimes) that she did not see  
26 the disclosures prior to receiving them on November 29, 2022.

27 **(1) Conclusion of Law:** By electronically signing copies of the Lead Based Paint  
28 Disclosure Addendum, Seller's Property Disclosure Statement, and Vacant Land Disclosure  
29 Addendum on behalf of the buyers, Hale violated ORS 696.301(3) as it incorporates ORS ORS  
30 696.815(2)(b)(5)(b) (2021 Edition).



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2 **(2) Conclusion of Law:** By failing to provide the Lead Based Paint Disclosure Addendum,  
3 Seller’s Property Disclosure Statement, and Vacant Land Disclosure Addendum to the buyers,  
4 Hale violated ORS 696.301(3) and its implementing rule OAR 863-015-0135(9) (1/1/2023  
5 Edition).

6 1.13 As part of their complaint, the Barnetts wrote that Hale knew of a property line  
7 issue and failed to disclose it to them.

8 1.14 In his response, Hale wrote that while meeting with the Westons, they requested  
9 that Hale insert their answers into the seller’s property disclosure statement document. When  
10 Hale reviewed the disclosures with the Westons, they pointed out the property line and  
11 indicated it was “three or four feet” beyond the fence.

12 1.15 Hale wrote that the sellers gave him the impression that the property line was to  
13 the west of the Property along the fence line, but instead, it ended up running through the  
14 garage.

15 1.16 In an interview with Grimes on June 16, 2023, P. Weston said that he was aware  
16 there was a property line dispute most of the time they lived there. P. Weston said he told Hale  
17 the property lines were different than the fences.

18 1.17 In an interview with Ray, Hale confirmed that the Westons first pointed out the  
19 alleged property boundary on January 19, 2022, when meeting with the Westons at the  
20 property.

21 1.18 Hale stated that he thinks the sellers should have been clearer when describing  
22 the property line.

23 1.19 When asked by Ray if he had any intention of notifying the buyers about the  
24 property line issue when he was first told, Hale said he did not. Hale explained that he did not  
25 consider the property line being further than the fence. Hale thought the fence was the  
26 property line.

27 **(3) Conclusion of Law:** By failing to notify the buyers of the property line discrepancy,  
28 Hale violated ORS 696.301(3) as it incorporates ORS 696.815(2)(b)(5)(b) (2021 Edition).

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1           1.20 All of the above demonstrates incompetence in performing acts for which the real  
2 estate licensee is required to hold a license and conduct that is below the standard of care for  
3 the practice of professional real estate activity in Oregon.

4 **(4) Conclusion of Law:** Based on the foregoing, Licensee is subject to discipline under  
5 ORS 696.301(12) and (15) (2021 Edition).

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2.

8           2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.

9           2.2 The Agency reserves the right to investigate and pursue additional complaints  
10 that may be received in the future regarding this licensee.

11           2.3 In establishing the violations alleged above, the Agency may rely on one or more  
12 of the definitions contained in ORS 696.010.

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3.

STIPULATION AND WAIVER

15           I, Kevin Hale, have read and reviewed this Stipulated Final Order and its Findings of  
16 Fact, Statements of Law and Conclusions of Law. I understand that the Findings of Fact,  
17 Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full and  
18 complete agreement and stipulation between the Agency and me. I further understand that if I  
19 do not agree with this stipulation, I have the right to request a Hearing on this matter and to be  
20 represented by legal counsel at such a Hearing. I also understand that any Hearing would be  
21 conducted in accordance with the procedures set forth in ORS Chapter 183 and in accordance  
22 with the Rules of Practice and Procedure adopted by the Attorney General of the State of  
23 Oregon. By signing this Stipulated Final Order, I freely and voluntarily waive my rights to a  
24 Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this  
25 matter.  
26

27           I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and  
28 understand that the Order which follows hereafter, which I have also read and understand,  
29 may be completed and signed by the Real Estate Commissioner or may be rejected by the  
30 Real Estate Commissioner. I further understand that, in accordance with the provisions of

1 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News  
2 Journal.

3 In addition to all of the above, I agree that once the Commissioner executes this  
4 Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby  
5 waive the right to challenge the validity of service.

6 ORDER

7 IT IS HEREBY ORDERED that Kevin Hale's broker license be, and hereby is  
8 reprimanded.

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IT IS SO STIPULATED:

IT IS SO ORDERED:



DocuSigned by:  
*Kevin Hale*  
31B77A4D08C9410...  
KEVIN HALE

DocuSigned by:  
*Steve Strobe*  
E2C2D0097AD8471...  
STEVEN STRODE

Date 1/12/2024 | 8:47 AM PST

Date 1/12/2024 | 9:33 AM PST

Date of Service: 1/12/2024

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of	}	
SEAN PATRICK RAFFINGTON	}	FINAL ORDER BY DEFAULT

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**PROCEDURAL HISTORY AND PROCEDURAL LAW**

1.

1.1 On October 30, 2023, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Revoke License No. PM.201243875* the property manager license of Sean Raffington (Raffington). The Oregon Real Estate Agency (Agency) sent the Notice of Intent to Raffington's two last known addresses of record with the Agency (3095 Hwy 101 N., Seaside, OR 97138 and 600 Broadway St., Suite 7, Seaside, OR 97138). The *Notice of Intent* was also mailed to Raffington by regular first-class mail to both of the above addresses in a handwritten envelope. And *The Notice of Intent* was emailed to Raffington at his email address of record.

1.2 The email was not returned as undeliverable.

1.3 On November 2, 2023, the certified mailing sent to 600 Broadway St., Suite 7, Seaside, OR 97138, was returned to the Agency as Return to Sender, Vacant, Unable to Forward. On November 9, 2023, the first-class mailing sent to 600 Broadway St., Suite 7, Seaside, OR 97138, was returned to the Agency as Return to Sender, Attempted-Not Known, Unable to Forward. Neither the certified mailing nor the first-class mailing to 3095 Hwy 101 N., Seaside, OR 97138 have been returned to the Agency. Over twenty days (20 days) have elapsed since the mailing of the notice issued in this matter and no written request for hearing has been received by the Agency.

2.

Based upon the foregoing, and upon the Agency's investigation reports, documents and files that, pursuant to Section 9 of the *Notice of Intent*, automatically become part of the evidentiary record of this disciplinary action upon default (for the purpose of proving a prima facie case (ORS 183.417(4)), the Real Estate Commissioner finds:

2.1 A notice of intent is properly served when deposited in the United States mail, registered or certified mail, and addressed to the real estate licensee at the licensee's last known address of record with OREA. (ORS 183.415(2); OAR 137-003-0505; OAR 863-001-0006. If correctly addressed, such a notice is effective even though it is not received by the person to be notified. *Stroh v. SAIF*, 261 OR 117, 492 P2d 472 (1972) (footnote 3 in this case misquotes the cited treatise and contradicts the text of the opinion; treatise and cited case law support the proposition stated in the text.) Also, notice is effective even though the addressee fails or refuses to respond to a postal service "mail arrival notice" that indicates that certified or registered mail is being held at the post office. See *State v. DeMello*, 300 Or App 590, 716 P2d 732 (1986) (discussing use of certified mail to effectuate notice of driver's license suspension under ORS 482.570). See also *El Rio Nilo, LLC v. OLCC*, 240 Or App 362, 246 P3d 508 (2011) (Notice by certified mail effective even though addressee did not pick up in time to file request for hearing timely). (Oregon Attorney General's Administrative Law Manual and Uniform Model Rules Of Procedure Under the Administrative Procedures 2019 Edition at pages 97-98.

2.2 Raffington's last known address of record with the Agency was 3095 Hwy 101 N., Seaside, OR 97138

2.3 A certified mailing of the *Notice of Intent* was mailed to Raffington at his last known address of record on October 30, 2023. The certified mailing of the notice has not been returned to the Agency.

2.4 The notice was mailed certified to another possible address for Raffington at 600 Broadway St., Suite 7, Seaside, OR 97138. This certified mailing was returned to the Agency as Return to Sender, Vacant, Unable to Forward.

2.5 The notice was also mailed regular first-class mail in a handwritten envelope to both of the above possible addresses for Raffington. The mailing addressed to 3095 Hwy 101

N., Seaside, OR 97138 in the handwritten envelope has not been returned to OREA. The mailing addressed to 600 Broadway St., Suite 7, Seaside, OR 97138, in the handwritten envelope was returned to the Agency as Return to Sender, Attempted-Not Known, Unable to Forward. The OAH Rules contain a rebuttable presumption that documents sent by regular mail are received by the addressee. ORS 137-003-0520(10). If the regularly mailed notice is actually received, it is effective on the date received, rather than the date of mailing.

2.6 Over twenty (20) days have elapsed since the mailing of the notice and no written request for a hearing has been received.

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

2.8 As noted in section 9 of the *Notice of Intent to Revoke License No. PM.201243875*, and section 2 above, the Agency's entire investigation file was designated as the record for purposes of presenting a prima facie case upon default, including submissions from Raffington and all information in the administrative file relating to the mailing of notices and any responses received.

### **FINDINGS OF FACT**

#### 3.

3.1 Raffington was licensed as a property manager with Romds Property Services LLC (Romds) until August 31, 2023, when his license expired.

3.2 On February 27, 2023, the Agency received a complaint from Christine Hutchins against Raffington.

3.3 The complaint alleged that Raffington was conducting business out of a property in Troutdale, Oregon (Property), without business signage, and that the property owner had to “drill the locks” to get into the property after the tenants vacated.

3.4 On March 30, 2023, the Agency received an email from the Property owner, Julie Buker (Buker). Buker stated that Raffington was untruthful about who the tenant living at the Property was. Buker also stated that she asked Raffington for a signed copy of the property management agreement (PMA), when the lease was signed, but she only received an unsigned copy.

3.5 Buker made the decision to stop having her property managed by Romds, and the tenant would vacate the Property on March 15, 2023. Raffington told Buker that his maintenance staff had keys to the Property, but they were not present, so Buker had a locksmith drill out the locks.

3.6 Buker stated that Raffington owes her at least \$3,829.00.

3.7 On March 31, 2023, the Agency opened an investigation.

3.8 On April 29, 2023, Raffington provided the Agency with a response to the complaint against him from Buker. Raffington stated that Buker was aware that he and other staff would be using the extra room on the Property, not used the staff living onsite, when they were in the area.

3.9 Raffington provided a screenshot showing the PMA was signed by Buker via DocuSign on December 16, 2021. Raffington also provided a screenshot of the first page of the lease agreement, which stated the tenant would use the leased premises only as a residence. Raffington stated that Romds held a reserve, but it was used to fix the heater and other items, and Buker owes them funds.

3.10 On May 4, 2023, Agency Investigator Aaron Grimes (Grimes) spoke with Buker on the phone. Buker stated when she hired Romds, she met Raffington at the Property. Raffington said the management fee would be a flat fee of \$225.00 per month, and Raffington would do all maintenance, including yard work. They agreed to a maintenance reserve of \$1,500.00.

3.11 Buker didn't believe that Romds used any of the maintenance reserves, but never received an account balance, when she requested one from Raffington.

3.12 In an interview on May 18, 2023, Grimes asked Raffington to provide documents, including the owner's ledgers, final disbursement of the funds, the January 2023 owner statement for the Property, a copy of insurance policies, an accounting of the security deposit, and an email showing that the subject property is a business location. Raffington said he was not at his Seaside office at the time of the interview.

3.13 On May 19, 2023, Raffington requested additional time to provide the requested documents to Grimes. A due date of May 22, 2023, was given.

3.14 On May 23, 2023, Grimes followed up with Raffington by email on the outstanding documents. No response from Raffington was received.

3.15 On May 24, 2023, Grimes called Raffington. Grimes received an automatic text reply stating Raffington was busy and to text him. Grimes sent Raffington a text message asking for an update on the requested documents. No response from Raffington was received.

3.16 On May 30, 2023, Grimes sent another email to Raffington compelling him to cooperate by providing the requested documents. No response from Raffington was received.

3.17 On July 13, 2023, the Agency sent Raffington, via DocuSign, settlement offer documents, along with an opportunity to schedule an informal settlement conference with the Agency. Per Agency process, Raffington was given two weeks to respond.

3.18 On July 31, 2023, Raffington requested an informal settlement conference, which was scheduled for August 17, 2023.

3.19 On August 16, 2023, Raffington requested a reschedule of the settlement conference, due to needing to gather additional documentation. The settlement conference was rescheduled to September 13, 2023.

3.20 On August 31, 2023, Raffington's license expired, and the Registered Business Name (RBN) Romds Property Services LLC went into a void status.

3.21 On September 13, 2023, the Agency received an email from Raffington's Executive Assistant, Mark Roads (Roads) requesting a reschedule of the settlement conference due to Raffington having been in the hospital. The settlement conference was rescheduled to September 25, 2023.

3.22 On September 25, 2023, the Agency received an email from Roads requesting a reschedule of the settlement conference due to a medical issue. The Agency requested



supporting documentation to consider the request for an extension. No response was received thereafter.

3.23 On October 18, 2023, the Agency sent a final communication to Raffington requesting a response to prior requests, along with outlining the Agency's intention to proceed with a Notice of Intent to Revoke license. No response was received.

**(1) Violation:** By failing to provide requested property management records to the Agency, Raffington violated ORS 696.301(3) and its implementing rule OAR 863-025-0035(2)(a)(b)(c) (01/01/2023 Edition). OAR 863-025-0035(2)(a)(b)(c) states: a property manager must produce records required under section (1) of this rule for inspection by the Agency (a) when the Agency makes a request for production of property management records, the property manager must provide such records within no less than five banking days; (b) if the Agency has reasonable grounds to believe that funds of an owner or tenant may be missing or misappropriated or that the property manager is engaging in fraudulent activity, any records demanded or requested by the Agency must be produced immediately; and (c) failure to produce such records within the timelines stated in subsection (a) or (b) of this section is a violation of ORS 696.301.

3.24 Buker provided Grimes with a copy of the PMA she signed via DocuSign. In section (1) of the PMA, the property description was blank.

3.25 During the May 18, 2023, interview with Grimes, Raffington said that the PMA should have had the property address on it.

**(2) Violation:** By failing to include the address of the property in the property management agreement, Raffington violated ORS 696.301(3) and its implementing rule OAR 863-025-0020(2)(a) (01/01/2023 Edition). OAR 863-025-0020(2)(a) states: a property management agreement must include but is not limited to (a) the address or legal description of the owner's rental real estate.

3.26 The Residential Lease Agreement for the Property dated January 26, 2022, stated that Helen and Jacob St. Onge were residing at the Property. The agreement stated that the tenant would use the leased premises only as a residence. Mark Moore (Moore) signed the Residential Lease Agreement as the landlord.

3.27 In the May 18, 2023, interview with Grimes, Raffington said he told Buker that his manager was going to be living at the Property, and that they were in communication about using the extra room on the Property as an office. Raffington states Romds paid additional utilities, including “all” maintenance and landscaping, because they were running the business there.

3.28 Grimes asked Raffington who was working at the Property. Raffington said Helen St. Onge lived at the Property, and they rotated employees through.

3.29 Raffington told Grimes he had emails showing that Buker knew the Property was a business location. Raffington did not provide the Agency documentation of Buker’s knowledge of Romds conducting their business at the Property.

3.30 On February 24, 2023, Buker provided Raffington a 30-day notice to terminate the PMA. The PMA would have ceased on March 27, 2023.

3.31 Buker stated in her complaint that Raffington told her the tenants would be vacating the Property on February 15, 2023. On that day, Raffington told Buker the tenants would be extending and would be out of the Property on March 15, 2023. The move out date was extended again to March 20, 2023, and then again to March 23, 2023.

3.32 Raffington told Grimes that he had a conversation with Buker over the phone and told her the tenants needed to extend their move-out. Raffington did not provide the Agency supporting documentation regarding the changing dates for the tenant to move out.

**(3) Violation:** By operating his business from the property owner’s property, without her knowledge and absent proof that she knew about the changing dates for the tenant to vacate, Raffington violated ORS 696.301(1)(5)(12) (2021 Edition) and ORS 696.890(4)(a)(b)(c)(f) (2021 Edition). ORS 696.301(1)(5)(12) states: the Real Estate Commissioner may suspend or revoke the real estate license of any real estate licensee, reprimand any real estate licensee or deny the issuance or renewal of a license to an applicant who has (1) created a reasonable probability of damage or injury to a person by making one or more material misrepresentations or false promises in a matter related to professional real estate activity; (5) acted as an agent and an undisclosed principal in any transaction; and (12) demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license.

ORS 696.890(4)(a)(b)(c)(f) states: a real estate property manager owes the property owner the following affirmative duties (a) to deal honestly and in good faith; (b) to disclose material facts known by the property manager and not apparent or readily ascertainable to the owner; (c) to exercise reasonable care and diligence; and (f) to be loyal to the owner by not taking action that is adverse or detrimental to the owner's interest.

#### **STATEMENT OF LAW APPLICABLE TO FINDINGS OF FACT**

##### 4.

4.1 ORS 696.301(3) states a real estate licensee's real estate license may be disciplined if they have: (3) disregarded or violated any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency

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

4.3 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.

4.4 ORS 696.396(2)(c)(B) states the Real Estate Commissioner may revoke a real estate license if 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.

4.5 OAR 863-027-0020(1) defines the goal of progressive discipline and OAR 863-027-0020(2) sets out all factors the Real Estate Commissioner will consider when determining the level of discipline for licensees.

4.6 OAR 863-025-0035(2)(a)(b), and (c) states: (2) a property manager must produce records required under section (1) of this rule for inspection by the Agency as follows:(a) When the Agency makes a request for production of property management records, the property manager must provide such records within no less than five banking days; (b) if the Agency has reasonable grounds to believe that funds of an owner or tenant may be

missing or misappropriated or that the property manager is engaging in fraudulent activity, any records demanded or requested by the Agency must be produced immediately; and (c) Failure to produce such records within the timelines stated in subsection (a) or (b) of this section is a violation of ORS 696.301.

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

4.8 And, in accordance with 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.

### **ULTIMATE FINDINGS OF FACT**

#### 5.

5.1 Raffington failed to produce the requested property management records to the Agency.

5.2 Raffington failed to include the address of the property in the property management agreement.

5.3 Raffington failed to notify the property owner that he was operating his business from her property.

5.4 Raffington did not provide the property owner notice that move-out dates for the tenants would be changing.

5.5 In summary, the facts above establish grounds to revoke Raffington's property manager license.

**CONCLUSIONS OF LAW**

6.

6.1 Pursuant to ORS 183.417(4) and OAR 137-003-0670 Raffington is in default.

6.2 The material facts establish a violation of a ground for discipline, by preponderance of the evidence, under ORS 696.301 as set forth in the *Notice of Intent to Revoke License No. PM.201243875*. ORS 696.396 (2)(c)(B).

6.3 Based on these violations, the Agency may revoke Raffington's property manager license.

6.4 Specifically, Raffington is subject to discipline pursuant to ORS 696.301(3), (12) and (15) for: (3) disregarding or violating any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency; (12) demonstrating incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license; and (15) engaging in any conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

6.5 A revocation of Raffington's property manager license is appropriate for violations of ORS 696.301(3), (12) and (15).

6.6 A revocation of Raffington's property manager license is appropriate under ORS 696.396(2)(c)(B). According to ORS 696.396(2)(c)(B) the Agency may revoke a real estate license if the material facts establish a violation of a ground of discipline under ORS 696.301 that (B) exhibits incompetence in the performance of professional real estate activity.

6.7 Based on the evidence in the record, the preponderance of the evidence supports the revocation of Raffington's property manager license.

6.8 The Agency may therefore, revoke Raffington's property manager license.

6.9 Pursuant to ORS 696.775 the expiration or lapsing of Raffington's license does not prohibit the Commissioner from proceeding with this, or further action.

6.10 The specific violations are repeated here below:

**(1) Violation:** By failing to provide requested property management records to the Agency, Raffington violated ORS 696.301(3) and its implementing rule OAR 863-025-0035(2)(a)(b)(c)

(01/01/2023 Edition). OAR 863-025-0035(2)(a)(b)(c) states: a property manager must produce records required under section (1) of this rule for inspection by the Agency (a) when the Agency makes a request for production of property management records, the property manager must provide such records within no less than five banking days; (b) if the Agency has reasonable grounds to believe that funds of an owner or tenant may be missing or misappropriated or that the property manager is engaging in fraudulent activity, any records demanded or requested by the Agency must be produced immediately; and (c) failure to produce such records within the timelines stated in subsection (a) or (b) of this section is a violation of ORS 696.301.

**(2) Violation:** By failing to include the address of the property in the property management agreement, Raffington violated ORS 696.301(3) and its implementing rule OAR 863-025-0020(2)(a) (01/01/2023 Edition). OAR 863-025-0020(2)(a) states: a property management agreement must include but is not limited to (a) the address or legal description of the owner’s rental real estate.

**(3) Violation:** By operating his business from the property owner’s property, without her knowledge and absent proof that she knew about the changing dates for the tenant to vacate, Raffington violated ORS 696.301(1)(5)(12) (2021 Edition) and ORS 696.890(4)(a)(b)(c)(f) (2021 Edition). ORS 696.301(1)(5)(12) states: the Real Estate Commissioner may suspend or revoke the real estate license of any real estate licensee, reprimand any real estate licensee or deny the issuance or renewal of a license to an applicant who has (1) created a reasonable probability of damage or injury to a person by making one or more material misrepresentations or false promises in a matter related to professional real estate activity; (5) acted as an agent and an undisclosed principal in any transaction; and (12) demonstrated incompetence or untrustworthiness in performing any act for which the real estate licensee is required to hold a license.

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ORDER

IT IS HEREBY ORDERED that Sean Raffington's property manager license is revoked.

Dated this 29th day of November, 2023.

OREGON REAL ESTATE AGENCY

DocuSigned by:  
*Steve Strobe*  
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Steven Strobe  
Real Estate Commissioner

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NOTICE OF RIGHT TO APPEAL: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the date of service of this order. Judicial review is to the Oregon Court of Appeals, pursuant to the provisions of ORS 183.482.

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of )  
BARBARA JEAN SHEDDEN ) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Barbara Shedden (Shedden) do hereby agree and stipulate to the following:

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Shedden was licensed as a principal broker with American West Real Estate LLC (American West).

1.2 On November 16, 2022, American West was selected for reconciliation review for client trust account ending in 1572 (CTA #1572), which holds owner funds. Shedden is the licensee in charge at American West.

1.3 As part of the review, documents for August 2022 were provided to the Agency. An investigation was opened due to the outstanding issues found in the review.

1.4 On April 7, 2023, Agency investigator Frank H. Leonard, Jr. (Leonard) requested Shedden provide the February 2023 three-way reconciliation for four accounts:

- American West CTA Security 1580 (CTA-SD #1580)
- CTA #1572
- American West CTA Mann-Operating ending in 1598 (CTA #1598)
- American West Mann Properties IBRETA ending in 1606 (CTA-SD #1606)

1.5 On April 14, 2023, Shedden provided the requested account documents to the Agency.



1           1.6     In an interview with Leonard on April 17, 2023, Shedden stated that tenant move-  
2 out is her biggest problem, explaining that she doesn't move money out the day tenants move  
3 out because there will be bills against that money. Shedden stated that she puts the bills in  
4 and then moves the money out.

5           1.7     On May 8, 2023, Leonard requested additional records, including the check  
6 register for CTA-SD #1606, along with Page 2 of the reconciliation form for CTA-SD #1580.

7           1.8     A review of CTA-SD #1580, for February 2023, showed a different balance  
8 between part I and part II of \$12,666.76, and a different balance between part II and part III of  
9 \$3,589.36. Shedden explained that the different balances were due to her journal, and she had  
10 contacted Yardi, the accounting software program she was using, for help on the different  
11 balances.

12          1.9     A review of CTA-SD #1606, for February 2023, showed a different balance of  
13 \$5,250.50, between parts II and III of the reconciliation documents. Shedden explained the  
14 difference was due to her journal being off and that she had been trying to get help from Yardi.

15          1.10    A review of CTA #1598, for February 2023, showed a reconciliation summary  
16 difference of \$350.09. Shedden explained the difference was due to the bank having more  
17 money in the account than Yardi, and more research needed to be done.

18          1.11    A review of CTA #1572, for February 2023, showed a reconciliation summary  
19 difference of \$9,709.05.

20          1.12    In an interview with Leonard on June 20, 2023, when asked to explain the  
21 different balances for CTA #1572, Shedden stated that the inactive accounts still show on the  
22 bank statement, and that she didn't transfer the money when a tenant moved out.

23          1.13    Shedden agreed to submit the CTA reconciliation forms for all four accounts for  
24 May 2023, for review.

25          1.14    A review of CTA #1572, for May 2023, showed a reconciliation summary  
26 difference between part I and part II of \$1,374.73. The reconciliation summary difference  
27 between part II and part III was \$7,120.00. Shedden explained the differences were due to  
28 journal corrections she had made incorrectly, as well as issues with several journal entries.  
29  
30

1 1.15 A review of CTA-SD #1580, for May 2023, showed summary differences in the  
2 reconciliation between all three parts. Shedden stated the differences were due to mistakes in  
3 journal entries with tenants that were moving out.

4 1.16 A review of CTA #1598, for May 2023, showed a reconciliation summary  
5 difference between part I and part II of \$252.40. The difference between part II and part III is  
6 \$931.32. Shedden stated that she is still struggling to correct journal entries, and she would  
7 need more assistance from Yardi.

8 1.17 A review of CTA-SD #1606, for May 2023, showed a reconciliation summary  
9 difference between part I and part II is \$2,024.10. The difference between part II and part III is  
10 \$2,400.00. Shedden stated the difference was due to journal entries that need to be corrected.

11 **(1) Conclusion of Law:** By failing to reconcile the February and May 2023 reconciliations  
12 for CTA-SD #1580 and CTA-SD #1606, Shedden violated ORS 696.301(3) and its  
13 implementing rule OAR 863-025-0028(3)(b) (1/1/2023 Edition).

14 **(2) Conclusion of Law:** By failing to reconcile the February and May 2023 reconciliations  
15 for CTA #1598 and CTA #1572, Shedden violated ORS 696.301(3) and its implementing rule  
16 OAR 863-025-0028(2)(b) (1/1/2023 Edition).

17 1.18 According to Schedule B on page two of the CTA reconciliation form for CTA  
18 #1572, three outstanding checks were listed with no associated check number or date listed.

19 **(3) Conclusion of Law:** By failing to include the check number and the date on Schedule B  
20 of the reconciliation form for CTA #1572, Shedden violated ORS 696.301(3) and its  
21 implementing rule OAR 863-025-0028(2)(c) (01/01/2023 Edition).

22 1.19 All of the above demonstrates incompetence in performing acts for which the real  
23 estate licensee is required to hold a license and conduct that is below the standard of care for  
24 the practice of professional real estate activity in Oregon.

25 **(4) Conclusion of Law:** Based on the foregoing, Licensee is subject to discipline under  
26 ORS 696.301(12) (2021 Edition) as it incorporates ORS 696.890(4)(c)(d)(e) (2021 Edition).

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

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

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

3.

### STIPULATION AND WAIVER

I, Barbara Shedden, have read and reviewed this Stipulated Final Order and its Findings of Fact and Conclusions of Law. I understand that the Findings of Fact, Conclusions of Law and this Stipulation and Waiver of Hearing rights 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. I also understand that any Hearing would be 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. By signing this Stipulated Final Order, 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, which I have also read and understand, may be completed and signed by the Real Estate Commissioner or may be rejected by the Real Estate Commissioner. I further 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.

In addition to all of the above, I agree that once the Commissioner executes this Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby waive the right to challenge the validity of service.

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ORDER

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

IT IS SO STIPULATED:

IT IS SO ORDERED:



DocuSigned by:

*BARBARA JEAN SHEDDEN*

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BARBARA SHEDDEN

DocuSigned by:

*Steve Strode*

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STEVEN STRODE

Real Estate Commissioner

Date 12/14/2023 | 6:57 AM PST

Date 12/15/2023 | 8:31 AM PST

Date of Service: 12/15/2023

**REAL ESTATE BOARD  
REGULATION DIVISION REPORT  
February 5<sup>th</sup>, 2024**

Regulation Division Manager: Elli Kataura

Compliance Specialist 3s (Senior Case Analysts): Meghan Lewis

Financial Investigators (Investigator-Auditors): Lindsey Nunes, Aaron Grimes, Cidia Nañez, John Moore,  
Frank Leonard, Dylan Ray

Administrative Specialist 2 (Case Resolution Coordinator): Amanda Moser

**Division Overview**

The Agency receives complaints and determines if an investigation is appropriate. Open cases are assigned to investigators to gather facts (from interviews and documents), prepare a detailed written report, and submit for Administrative Review. The Senior Case Analysts conducting the Administrative Review work evaluate whether the evidence supports a violation of Agency statutes or administrative rules. When a case finds sufficient cause to sanction a license, the case is elevated to the Commissioner for review. When the Commissioner supports a sanction, the Senior Case Analysts offer a settlement conference to resolve cases without a contested case hearing. If the respondent requests a hearing, the Investigator works with the Assistant Attorney General in preparing for and presenting the case at hearing.

**Personnel**

We currently have a Senior Case Analyst vacancy.

**Workload and Activity Indicators**

<b>Average # in this status at the time</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>Current 1/17/24</b>
Complaint	21	23	34	16	7
Investigation	51	53	22	26	64
<i>(# of Investigators)</i>	7	7	6*	6*	6
Admin Review	58	9	13	3	4
Settlement Process	60	7	5	2	8

\* We had one investigator that was on extended leave for the majority of 2022-2023.

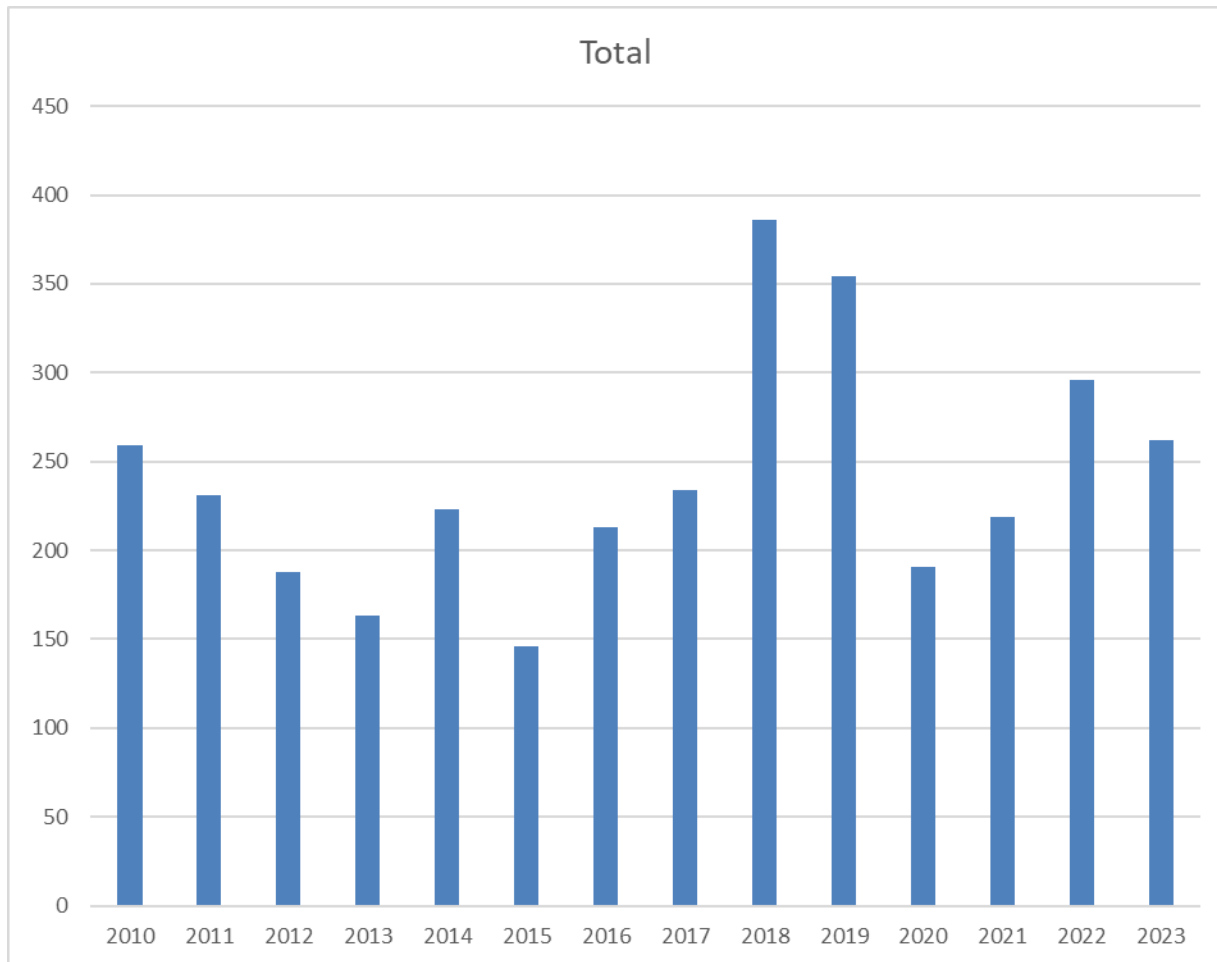
**Report to the Real Estate Board  
Land Development Division  
February 5th, 2024**

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



The division had 262 filings last year, which is 34 less than last year. The above chart reflects filing trends over the last 13 years and provides a historical perspective on filing volume.

**Rulemaking:**

The agency is engaged in two rulemaking processes at this time. The first relates to OAR 863-014-0054 and 863-024-0053. The purpose of this rulemaking is to respond to changes in the Servicemembers Civil Relief Act (SCRA) regarding license portability between states. Those changes became effective in January of this year. Temporary rules remain in place at this time and we are almost through with the rulemaking process. A hearing was held on January 17<sup>th</sup>. The public comment period ends on January 24<sup>th</sup>. We anticipate filing the final rule on February 5<sup>th</sup>.

The second rulemaking relates to OAR 863-027-0020, the progressive discipline rule. On October 10<sup>th</sup> the agency filed a temporary rule which essentially restores the rule to a prior version by adding back in paragraphs 4 and 5. They were removed because they are substantially similar to statutory language and are being added back in in order to ensure the public and licensees are aware of the progressive discipline requirements. By the time this meeting occurs the agency will have formed a rulemaking work group and filed notice of permanent rulemaking.

**Legislative Report: TBD** (Session opens February 5<sup>th</sup>.)

**REAL ESTATE BOARD  
ADMINISTRATIVE SERVICES DIVISION REPORT  
February 5, 2023**

Administrative Services Manager: Mesheal Tracy

Accountant: Caty Karayel

Systems Administrator: Tiffani Miller

Program Analyst: Rus Putintsev

IT Helpdesk: 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.

Budget Update

As of December, the projected revenue for this biennium is **\$10.5 million**.

Projected expenses are at **\$13.1 million**, which includes the approved expenditure of \$2 million for the eLicense replacement project. At the end of the biennium, we expect to have a cash balance of **\$4.2 million**. This gives us approximately 8 months of operating expenses.

Revenue/Economic Outlook

As of December, the Agency had an average monthly surplus of **\$7,397** for the biennium. For comparison, the average monthly surplus for the 2021-2023 biennium was \$33,988. This is due in part to an increase in Personal Services expenditure.

There were **24,835 licensees** at the end of December. This is a 1.6% decline from licensing number in December 2022, and a 2.4% decline from our record high of 25,456 in June 2022.

Number of Licensees Needed to Reach Projected Revenue for 2023-2025 Biennium

At the Board's December 2023 meeting, the question was asked about the number of licensees required to meet our projected revenue for this biennium. We estimate that we would need a monthly average of **23,900 licensees** over the course of the biennium to reach our budgeted revenue.

Division Accomplishments

We are preparing for security-related projects affecting our phone system and agency cell phones, as well as life cycle replacements for a number of agency devices. We are still in preparations for a cybersecurity assessment, which will commence in April.



# Real Estate Agency - AY25

## 2023-2025 Budget - Biennium to Date Through June 30th 2025

<i>Budget Codes</i>		<u>23-2025 LAB</u>	<u>Expected Total Expenditures for Biennium (current)</u>	<u>Expected Remaining Limitation at end of Biennium</u>
	<b>Total Personal Services</b>	<b>8,696,131</b>	<b>9,327,290</b>	<b>(631,159)</b>
<b>4100 &amp; 4125</b>	In-State Travel & Out-of-State Travel	107,334	56,319	51,015
<b>4150</b>	Employee Training	40,206	31,691	8,515
<b>4175</b>	Office Expenses	58,989	11,340	47,650
<b>4200</b>	Telecom/Tech Services & Support	70,231	71,724	<b>(1,493)</b>
<b>4225</b>	State Government Services	646,658	542,480	104,178
<b>4250</b>	Data Processing	118,785	123,429	<b>(4,644)</b>
<b>4275</b>	Publicity & Publications	39,905	1,762	38,143
<b>4300 &amp; 4315</b>	Professional Services & IT Professional Services	378,671	201,412	177,259
<b>4325</b>	Attorney General Legal Fees	365,688	350,064	15,624
<b>4375</b>	Employee Recruitment	8,420	0	8,420
<b>4400</b>	Dues & Subscriptions	10,406	11,559	<b>(1,153)</b>
<b>4425</b>	Facilities Rent & Taxes	276,712	265,486	11,226
<b>4475</b>	Facilities Maintenance	4,911	19,051	<b>(14,140)</b>
<b>4575</b>	Agency Program Related S&S	982,084	982,084	0
<b>4650</b>	Other Services & Supplies	4,269	186,506	<b>(182,237)</b>
<b>4700</b>	Expendable Property \$250-\$5000	31,678	3,393	28,285
<b>4715</b>	IT Expendable Property	155,803	49,206	106,597
	<b>Total Services &amp; Supplies</b>	<b>3,300,750</b>	<b>2,907,505</b>	<b>393,245</b>
<b>5550</b>	Data Processing Software	2,000,000	2,000,000	0
	<b>Total Capital Outlay</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>0</b>
	<b>Totals</b>	<b>13,996,881</b>	<b>14,234,795</b>	<b>(237,914)</b>

**REAL ESTATE BOARD  
EDUCATION & LICENSING DIVISION REPORT  
February 5, 2024**

Education & Licensing Manager: Madeline Alvarado  
Compliance Specialist: Tami Schemmel, Nenah Darville, Katie Nash  
Administrative Specialist: Elizabeth Hardwick, Kaely Salem, Marcy Weiss, Vacant

**Division Overview**

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

**Personnel**

The Division is preparing to recruit from an Administrative 2 position as Hani Ghamrawi accepted a promotional position with the Oregon Department of Human Services.

**Education Update**

Continuing Education Providers are in their renewal period which will end on 12/31/2023. As of January 1, 2024, 26 Continuing Education Providers failed to renew.

**Upcoming**

The Agency is willing to offer the OREA Advertising Update and General Overview Class. If your brokerage or local association is interested in this course, please have them contact me for scheduling.

**RBN Renewal**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b><u>Eligible to Renew</u></b>	414	321	352	348	316	292	256	248	263	266	266	317
<b><u>Failed to Renew</u></b>	13	13	14	27	13	17	21	17	18	20	10	12
<b><u>% Renewed</u></b>	97%	96%	96%	92%	96%	94%	92%	93%	93%	92%	96%	96%

## Licensing Statistics

### *Total Licensee Counts by Month:*

<b>Individuals (Persons)</b>	<b>Nov-23</b>	<b>Dec-23</b>
<b>Broker – Total</b>	<b>17,697</b>	<b>17,612</b>
Active	15,960	15,798
Inactive	1,737	1,814
<b>Principal Broker - Total</b>	<b>6,231</b>	<b>6,220</b>
Active	5,821	5,794
Inactive	410	426
<b>ALL BROKERS Total</b>	<b>23,928</b>	<b>23,832</b>
Active	21,781	21,592
Inactive	2,147	2,240
<b>Property Manager - Total</b>	<b>986</b>	<b>988</b>
Active	877	877
Inactive	109	111
<b>MCC Salesperson</b>	<b>15</b>	<b>15</b>
<b>MCC Broker</b>	<b>0</b>	<b>0</b>
<b>TOTAL INDIVIDUALS</b>	<b>24,929</b>	<b>24,835</b>
Active	22,673	22,484
Inactive	2,256	2,351
<b>Facilities (Companies)</b>		
REMO	4	4
Registered Business Name (RBN)	3,752	3,739
Registered Branch Office (RBO)	775	777
Escrow Organization	86	85
Escrow Branch	170	170
Condominium Filing (CO)	491	495
Unit Owners Association	782	787
Pre-License Education Provider (PEP)	25	25
CEP	303	277
MCC Operator	25	25
<b>TOTAL FACILITIES</b>	<b>6,413</b>	<b>6,384</b>
<b>TOTAL INDIVIDUALS &amp; FACILITIES</b>	<b>31,342</b>	<b>31,219</b>

### *New Licenses by Month:*

<b>Individuals (Persons)</b>	<b>Nov-23</b>	<b>Dec-23</b>
Broker	92	82
Principal Broker	14	13
<b>TOTAL BROKERS</b>	<b>106</b>	<b>95</b>
Property Manager	11	8
MCC Salesperson	0	0
MCC Broker	0	0
<b>TOTAL INDIVIDUALS</b>	<b>117</b>	<b>103</b>
<b>Facilities (Companies)</b>		
Continuing Education Provider (CEP)	1	1
REMO	0	0
Registered Business Name	28	25
Registered Branch Office	8	6
Escrow Organization	0	1
Escrow Branch	0	0
Condominium Filing	11	4
Unit Owners Association	7	7
Pre-License Ed Provider	0	0
MCC Operator	0	0
<b>TOTAL FACILITIES</b>	<b>54</b>	<b>43</b>
<b>TOTAL INDIVIDUALS &amp; FACILITIES</b>	<b>172</b>	<b>147</b>

**Exam Statistics**

*December 2023*

*ALL LICENSING EXAMS*      Total

Broker	293
Property Manager	24
Principal Broker	57
Reactivation	1

**Pass Rates**

<i><u>First Time Pass Rate</u></i> <i><u>Percentage</u></i>	<i><u>2019</u></i>	<i><u>2020</u></i>	<i><u>2021</u></i>	<i><u>2022</u></i>	<i><u>2023</u></i>
Broker State	57	50	47	44	42
Broker National	70	68	67	66	64
Principal Broker State	51	53	57	54	47
Principal Broker National	69	63	55	65	54
Property Manager	64	58	66	65	63

**Oregon Real Estate Agency Education & Licensing Division**  
**Licensee Application & Renewal 2023 Data**

<b>New Applications</b>													
	<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>Brokers</b>	262	211	275	209	253	247	228	266	226	178	177	177	2709
<b>Principal Brokers</b>	37	24	37	16	24	30	32	30	21	25	26	17	319
<b>Property Managers</b>	26	26	35	24	30	20	21	28	32	20	29	21	312
<b>Total</b>	325	261	347	249	307	297	281	324	279	223	232	215	3340

<b>Renewal Activity</b>														
<b>Brokers</b>		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>On Time</b>	Active	482	509	544	527	581	559	557	579	555	540	473	495	6401
	Inactive	42	28	30	29	28	39	25	39	33	46	34	47	420
<b>Late</b>	Active	74	48	50	52	67	43	63	57	63	59	50	44	670
	Inactive	12	8	13	12	12	9	9	8	9	15	9	15	131
<b>Lapse</b>		111	104	120	121	117	133	168	148	155	137	119	147	1580
	<b>Total</b>	721	697	757	741	805	783	822	831	815	797	685	748	9202

<b>Principal Brokers</b>		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>On Time</b>	Active	206	175	212	230	194	235	252	238	240	210	195	219	2606
	Inactive	20	12	7	10	10	8	9	11	7	7	13	11	125
<b>Late</b>	Active	13	6	9	10	7	13	11	13	11	14	4	11	122
	Inactive	2	3	1	3	1	2	0	6	3	2	4	2	29
<b>Lapse</b>		21	27	27	29	28	29	21	28	27	23	30	28	318
	<b>Total</b>	262	223	256	282	240	287	293	296	288	256	246	271	3200

**Oregon Real Estate Agency Education & Licensing Division**  
**Licensee Application & Renewal 2023 Data**

<b>Property Managers</b>		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>On Time</b>	Active	35	29	35	26	38	29	36	36	27	26	31	36	<b>384</b>
	Inactive	3	1	1	3	2	0	1	1	1	3	1	3	<b>20</b>
<b>Late</b>	Active	3	2	0	2	1	0	4	1	0	1	2	3	<b>19</b>
	Inactive	2	1	0	0	0	1	1	2	0	0	0	0	<b>7</b>
<b>Lapse</b>		5	5	11	9	7	7	6	11	6	6	10	8	<b>91</b>
	<b>Total</b>	<b>48</b>	<b>38</b>	<b>47</b>	<b>40</b>	<b>48</b>	<b>37</b>	<b>48</b>	<b>51</b>	<b>34</b>	<b>36</b>	<b>44</b>	<b>50</b>	<b>521</b>

<b>Grand Total (Brokers, Principal Brokers, Property Managers)</b>														
		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>Total Eligible to Renew</b>		<b>1031</b>	<b>958</b>	<b>1060</b>	<b>1063</b>	<b>1093</b>	<b>1107</b>	<b>1163</b>	<b>1178</b>	<b>1137</b>	<b>1089</b>	<b>975</b>	<b>1069</b>	<b>12923</b>
<b>On Time</b>	Active	723	713	791	783	813	823	845	853	822	776	699	750	<b>9391</b>
	Inactive	65	41	38	42	40	47	35	51	41	56	48	61	<b>565</b>
<b>Late</b>	Active	90	56	59	64	75	56	78	71	74	74	56	58	<b>811</b>
	Inactive	16	12	14	15	13	12	10	16	12	17	13	17	<b>167</b>
<b>Total Renewed</b>		<b>894</b>	<b>822</b>	<b>902</b>	<b>904</b>	<b>941</b>	<b>938</b>	<b>968</b>	<b>991</b>	<b>949</b>	<b>923</b>	<b>816</b>	<b>886</b>	<b>10934</b>
<b>Lapse</b>		<b>137</b>	<b>136</b>	<b>158</b>	<b>159</b>	<b>152</b>	<b>169</b>	<b>195</b>	<b>187</b>	<b>188</b>	<b>166</b>	<b>159</b>	<b>183</b>	<b>1989</b>

<b>% On Time</b>		<b>76.4%</b>	<b>78.7%</b>	<b>78.2%</b>	<b>77.6%</b>	<b>78.0%</b>	<b>78.6%</b>	<b>75.7%</b>	<b>76.7%</b>	<b>75.9%</b>	<b>76.4%</b>	<b>76.6%</b>	<b>75.9%</b>	<b>77.0%</b>
<b>% Late</b>		<b>10.3%</b>	<b>7.1%</b>	<b>6.9%</b>	<b>7.4%</b>	<b>8.1%</b>	<b>6.1%</b>	<b>7.6%</b>	<b>7.4%</b>	<b>7.6%</b>	<b>8.4%</b>	<b>7.1%</b>	<b>7.0%</b>	<b>7.6%</b>
<b>% Failed to Renew (Lapsed)</b>		<b>13.3%</b>	<b>14.2%</b>	<b>14.9%</b>	<b>15.0%</b>	<b>13.9%</b>	<b>15.3%</b>	<b>16.8%</b>	<b>15.9%</b>	<b>16.5%</b>	<b>15.2%</b>	<b>16.3%</b>	<b>17.1%</b>	<b>15.4%</b>
<b>Total</b>		<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

**Oregon Real Estate Agency Education & Licensing Division**  
**Licensee Application & Renewal 2022 Data**

<b>New Applications</b>													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>Brokers</b>	398	336	412	318	291	292	226	268	294	227	205	187	3454
<b>Principal Brokers</b>	47	32	42	25	22	23	33	28	28	25	32	18	355
<b>Property Managers</b>	20	35	30	33	23	21	23	22	29	25	32	15	308
<b>Total</b>	465	403	484	376	336	336	282	318	351	277	269	220	4117

<b>Renewal Activity</b>														
<b>Brokers</b>		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>On Time</b>	Active	491	517	535	527	608	569	559	569	571	571	500	533	6550
	Inactive	49	40	36	36	49	32	36	34	31	43	32	44	462
<b>Late</b>	Active	44	42	60	50	66	52	52	64	54	59	67	49	659
	Inactive	13	10	6	13	12	10	7	9	11	7	10	13	121
<b>Lapse</b>		128	104	123	107	120	117	131	90	141	94	127	109	1391
	<b>Total</b>	725	713	760	733	855	780	785	766	808	774	736	748	9183

<b>Principal Brokers</b>		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>On Time</b>	Active	221	238	230	232	247	254	201	232	264	223	202	210	2754
	Inactive	9	8	7	8	12	11	13	10	7	7	13	9	114
<b>Late</b>	Active	11	10	13	13	14	9	8	11	8	7	12	6	122
	Inactive	2	1	4	1	2	1	1	2	2	2	5	2	25
<b>Lapse</b>		24	19	21	18	21	26	18	25	26	39	19	29	285
	<b>Total</b>	267	276	275	272	296	301	241	280	307	278	251	256	3300

**Oregon Real Estate Agency Education & Licensing Division**

**License Application & Renewal 2022 Data**

<b>Property Managers</b>		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>On Time</b>	Active	28	26	25	16	35	30	34	29	32	28	21	29	<b>333</b>
	Inactive	2	3	1	0	2	0	2	0	2	0	2	5	<b>19</b>
<b>Late</b>	Active	3	3	1	3	3	3	3	2	0	1	2	3	<b>27</b>
	Inactive	1	0	0	1	1	0	1	0	0	0	0	0	<b>4</b>
<b>Lapse</b>		11	8	6	11	6	7	8	9	11	9	9	6	<b>101</b>
	<b>Total</b>	<b>45</b>	<b>40</b>	<b>33</b>	<b>31</b>	<b>47</b>	<b>40</b>	<b>48</b>	<b>40</b>	<b>45</b>	<b>38</b>	<b>34</b>	<b>43</b>	<b>484</b>

<b>Grand Total (Brokers, Principal Brokers, Property Managers)</b>														
		<b>Jan</b>	<b>Feb</b>	<b>Mar</b>	<b>Apr</b>	<b>May</b>	<b>Jun</b>	<b>Jul</b>	<b>Aug</b>	<b>Sep</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>Total</b>
<b>Total Eligible to Renew</b>		<b>1037</b>	<b>1029</b>	<b>1068</b>	<b>1036</b>	<b>1198</b>	<b>1121</b>	<b>1074</b>	<b>1086</b>	<b>1160</b>	<b>1090</b>	<b>1021</b>	<b>1047</b>	<b>12967</b>
<b>On Time</b>	Active	740	781	790	775	890	853	794	830	867	822	723	772	<b>9637</b>
	Inactive	60	51	44	44	63	43	51	44	40	50	47	58	<b>595</b>
<b>Late</b>	Active	58	55	74	66	83	64	63	77	62	67	81	58	<b>808</b>
	Inactive	16	11	10	15	15	11	9	11	13	9	15	15	<b>150</b>
<b>Total Renewed</b>		<b>874</b>	<b>898</b>	<b>918</b>	<b>900</b>	<b>1051</b>	<b>971</b>	<b>917</b>	<b>962</b>	<b>982</b>	<b>948</b>	<b>866</b>	<b>903</b>	<b>11190</b>
<b>Lapse</b>		<b>163</b>	<b>131</b>	<b>150</b>	<b>136</b>	<b>147</b>	<b>150</b>	<b>157</b>	<b>124</b>	<b>178</b>	<b>142</b>	<b>155</b>	<b>144</b>	<b>1777</b>

<b>% On Time</b>		<b>77.1%</b>	<b>80.9%</b>	<b>78.1%</b>	<b>79.1%</b>	<b>79.5%</b>	<b>79.9%</b>	<b>78.7%</b>	<b>80.5%</b>	<b>78.2%</b>	<b>80.0%</b>	<b>75.4%</b>	<b>79.3%</b>	<b>78.9%</b>
<b>% Late</b>		<b>7.1%</b>	<b>6.4%</b>	<b>7.9%</b>	<b>7.8%</b>	<b>8.2%</b>	<b>6.7%</b>	<b>6.7%</b>	<b>8.1%</b>	<b>6.5%</b>	<b>7.0%</b>	<b>9.4%</b>	<b>7.0%</b>	<b>7.4%</b>
<b>% Failed to Renew (Lapsed)</b>		<b>15.7%</b>	<b>12.7%</b>	<b>14.0%</b>	<b>13.1%</b>	<b>12.3%</b>	<b>13.4%</b>	<b>14.6%</b>	<b>11.4%</b>	<b>15.3%</b>	<b>13.0%</b>	<b>15.2%</b>	<b>13.8%</b>	<b>13.7%</b>
<b>Total</b>		<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>



<b>Oregon Real Estate Agency Education &amp; Licensing Division Phone Counts</b>													
<b>(Minutes: seconds)</b>	<b>Jan – 23</b>	<b>Feb – 23</b>	<b>Mar – 23</b>	<b>Apr – 23</b>	<b>May-23</b>	<b>Jun-23</b>	<b>Jul-23</b>	<b>Aug-23</b>	<b>Sep-23</b>	<b>Oct-23</b>	<b>Nov--23</b>	<b>Dec-23</b>	<b>2023 Average</b>
Call Count	1642	1368	1603	1428	1438	1286	1283	1468	1382	1445	1222	1265	1403
Average Wait Time	:33	:32	:35	:28	:28	:35	:38	:29	:32	:29	:40	:30	:32
Maximum Wait Time	0:11:07	0:11:14	0:10:58	0:09:13	0:10:11	0:16:20	0:09:26	0:11:08	0:11:55	0:11:53	0:10:46	0:10:44	0:11:15

<b>Oregon Real Estate Agency Education &amp; Licensing Division Phone Counts</b>													
<b>(Minutes: seconds)</b>	<b>Jan – 22</b>	<b>Feb – 22</b>	<b>Mar – 22</b>	<b>Apr – 22</b>	<b>May-22</b>	<b>Jun-22</b>	<b>Jul-22</b>	<b>Aug-22</b>	<b>Sep-22</b>	<b>Oct-22</b>	<b>Nov--22</b>	<b>Dec-22</b>	<b>2022 Average</b>
Call Count	1730	1520	1776	1510	1437	1444	1303	1510	1555	1444	1469	1295	1499
Average Wait Time	:33	:23	:45	:33	:35	:36	:42	:58	:50	:36	:29	:43	:39
Maximum Wait Time	0:20:37	0:12:03	0:26:17	0:13:25	0:10:53	0:11:15	0:11:13	0:31:05	0:32:16	0:13:58	0:10:52	0:11:53	0:17:09

<b>Oregon Real Estate Agency Education &amp; Licensing Division Phone Counts</b>													
<b>(Minutes: seconds)</b>	<b>Jan – 21</b>	<b>Feb – 21</b>	<b>Mar – 21</b>	<b>Apr – 21</b>	<b>May-21</b>	<b>Jun-21</b>	<b>Jul-21</b>	<b>Aug-21</b>	<b>Sep-21</b>	<b>Oct-21</b>	<b>Nov--21</b>	<b>Dec-21</b>	<b>2021 Average</b>
Call Count	1981	1801	1918	1822	1452	1886	1653	1616	1510	1477	1407	1426	1662
Average Wait Time	:51	:36	:29	:29	:24	:18	:26	:15	:19	:17	:22	:36	:27
Maximum Wait Time	0:19:17	0:10:52	0:09:59	0:10:43	0:08:58	0:06:37	0:28:56	0:06:49	0:07:45	0:04:46	0:13:37	0:19:12	0:12:18

<b>(Minutes: seconds)</b>	<b>Jan – 20</b>	<b>Feb – 20</b>	<b>Mar – 20</b>	<b>Apr – 20</b>	<b>May-20</b>	<b>Jun-20</b>	<b>Jul-20</b>	<b>Aug-20</b>	<b>Sep-20</b>	<b>Oct-20</b>	<b>Nov--20</b>	<b>Dec-20</b>	<b>2020 Average</b>
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

**REAL ESTATE BOARD  
COMPLIANCE DIVISION REPORT  
February 5, 2024**

Compliance Division Manager: Liz Hayes  
Compliance Specialist 2: Jen Wetherbee  
Compliance Specialist 1: Roger McComas, Rick Marsland, Helen Wilson

**Division Overview**

The Compliance Division ensures that licensees meet their fiduciary and administrative responsibilities by reviewing financial and administrative records. This division aims to conduct clients’ trust account and compliance reviews and develop other compliance-related programs. This work includes providing technical assistance and sharing knowledge on the interpretation and application of laws and rules administered by the Agency (excluding legal advice) to licensees, the public, and other governmental agencies.

**Workload and Activity Indicators**

	2015	2016	2017	2018	2019	2020	2021	2022	2023
<b>ELOA</b>	2	2	4	44	79	81	13	55	101
<b>No Violation</b>	356	192	172	375	216	87	10	98	94
<b>Open Investigation</b>	5	3	8	10	29	7	2	13	18
<b>Resolved</b>								72	182
<b>Total Closed</b>	363	197	184	429	324	175	25	238	395

<b>(# of Staff)</b>	4	4	4	5	6	6	1	1-2	2-4
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