



Oregon

Kate Brown, Governor

AGENDA ITEM NO.

I.C.

Real Estate Agency

Equitable Center
530 Center St. NE, Suite 100
Salem, Oregon 97301-2505
Phone: (503) 378-4170
Regulations Fax: (503) 373-7153
Admin. Fax: (503) 378-2491
www.oregon.gov/rea

Notice of Agenda

OREGON REAL ESTATE BOARD

Zoom Videoconference

February 7, 2022

I. BOARD BUSINESS - Chair Ihnat

- A. Call to Order
- B. Chair Ihnat comments/Roll Call
- C. Approval of the Agenda and Order of Business
- D. Approval of 12.06.21, regular meeting minutes
- E. Date of the Next Meeting: 04.04.22 to begin at 10am and location to be determined.

II. PUBLIC COMMENT - Chair Ihnat

- 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 Ihnat. Waiver request log. None

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

V. BOARD ADVICE/ACTION - Commissioner Strode.

- A. Law and Rule Required Course (LARRC) 2021-2022 - make recommendation for agency to adopt amended outline as submitted

VI. NEW BUSINESS - Commissioner Strode.

- A. Workday process for board members to apply or re-apply for board position.
- B. 2022 Governor's State Employees Food Drive

VII. COMMUNICATIONS - ADMINISTRATIVE ACTIONS SUMMARY – Chair Ihnat

VIII. REPORTS - Chair Ihnat.

- A. Commissioner Strode
- B. Agency Division Reports – Deputy Commissioner Higley
 1. Regulations Division, Elli Kataura
 2. Education and Licensing Division, Mesheal Heyman
 3. Administrative Services Division, Mesheal Heyman
 4. Land Development, Michael Hanifin

IX. RULEMAKING REVISIONS, HOUSEKEEPING - Michael Hanifin

X. ANNOUNCEMENTS - Chair Ihnat. Next board meeting: 04.04.22 to begin at 10am and location to be determined.

XI. ADJOURNMENT - Chair Ihnat

XII. EXECUTIVE SESSION - Closed

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

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



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OREGON REAL ESTATE BOARD
Regular Meeting Minutes – via Zoom

Oregon Real Estate Agency
Salem, OR 97301

Monday, December 6, 2021

BOARD MEMBERS PRESENT: Marie Due
Debra Gisriel
Susan Glen
Jose Gonzalez
Dave Hamilton
Kim Hedding
Lawnae Hunter
Pat Ihnat, Vice Chair

BOARD MEMBERS ABSENT: Alex MacLean, Chair

OREA STAFF PRESENT: Steve Strode, Commissioner
Leandra Borstelman, Board Liaison

GUESTS PRESENT: Barbara Geyer, Barbara Geyer Real Estate

I. BOARD BUSINESS – Vice Chair Ihnat

- A. Call to Order. Vice Chair Ihnat called the meeting to order at 10am.
- B. Chair Ihnat comments/Roll Call. Vice Chair Ihnat explains the role/function of the board and asked board liaison to conduct roll call and board.
- C. Approval of the Agenda and Order of Business.

**MOTION TO APPROVE THE 12.06.21 AGENDA AND ORDER OF BUSINESS BY MARIE DUE
SECOND BY DEBRA GISRIEL
MOTION CARRIED BY UNANIMOUS VOTE**

- D. Approval of 10.04.21 regular meeting minutes.

**MOTION TO APPROVE 10.04.21 REGULAR MEETING MINUTES BY DAVE HAMILTON
SECOND BY LAWNAE HUNTER
MOTION CARRIED BY UNANIMOUS VOTE**

- E. Date of the Next Meeting: 02.07.21, to begin at 10am and will be held at the Oregon Real Estate Agency, 530 Center St. NE, Suite 100, Salem, OR 97301.

II. PUBLIC COMMENT – Vice Chair Ihnat. None. Robert Butler addressed the board regarding ORS 696.425 – Powers and duties of board; expenses and Commissioner Strode responded that the Agency would provide a statutory interpretation of ORS 696.425 at the 12.6.21 board meeting.

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

III. REQUEST FOR WAIVERS – Vice Chair Ihnat. Log. None.

IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER - Vice Chair Ihnat. Approval of petition log.

- A. Northwest School of Real Estate, Paul Frink to appear. Mr. Frink explained his background/experience and basis for his petition. He also stated that he was familiar with the record keeping requirements for CEPs and offers the following course topics: Forms, DISC, Comparative Market Analysis, Agency, Best Practices, New Agent Introduction. Mr. Frink understood that some of the classes did not qualify for Continuing Education Credits under OAR 863-020-0035, however, upon approval, additional acceptable content would be included.

**MOTION TO APPROVE NORTHWEST SCHOOL OF REAL ESTATE’S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY
LAWNAE HUNTER
SECOND BY KIM HEDDINGER
MOTION CARRIED BY UNANIMOUS VOTE**

- B. Rogue Inspection Services, Sara Derek to appear. Sara Derek and Brandi Verkempinck explained their background/experience and basis for their petition. Discussion: Marie Due suggested that Rogue Inspection Services reappear at the 2.7.22 board meeting to provide updated information regarding acceptable course topics.

**MOTION TO DENY ROGUE INSPECTION SERVICE'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY MARIE DUE
SECOND BY DAVE HAMILTON
MOTION CARRIED BY UNANIMOUS VOTE**

V. BOARD ADVICE/ACTION – Commissioner Strode.

- A. 2022 Board Chair and Vice Chair elections.

**MOTION TO APPROVE NOMINATION OF DEBRA GISRIEL AS 2022 VICE CHAIR BY MARIE DUE
SECOND BY DAVE HAMILTON
MOTION CARRIED BY UNANIMOUS VOTE**

**MOTION TO APPROVE NOMINATION OF PAT IHNAT AS 2022 CHAIR BY MARIE DUE
SECOND BY LAWNAE HUNTER
MOTION CARRIED BY UNANIMOUS VOTE**

- B. 2022 Board meeting schedule:
- February 7, Salem
 - April 4, TBD
 - June 6, TBD
 - August 1, TBD
 - October 3, TBD
 - December 5, TBD

**MOTION TO APPROVE PROPOSED 2022 BOARD MEETING SCHEDULE BY PAT IHNAT
SECOND BY DAVE HAMILTON
MOTION CARRIED BY UNANIMOUS VOTE**

- C. Agency's statutory interpretation of ORS 696.425 Powers and duties of board; expenses (carried over from 10.4.21 board meeting)

VI. NEW BUSINESS - Commissioner Strode. None.

VII. COMMUNICATIONS - ADMINISTRATIVE ACTIONS SUMMARY - Vice Chair Ihnat

VIII. REPORTS – Vice Chair Ihnat. None.

- A. Agency Division Reports - Refer to written division reports included in board packet as follows:
1. Regulations, (page 55) Elli Kataura
 2. Land Development Division, (page 56) Michael Hanifin.
 3. Administrative Services Division, (page 57 & 58) Mesheal Heyman
 4. Education and Licensing, (page 59-66) Maddy Alvarado

IX. ANNOUNCEMENTS – Vice Chair Ihnat. Next board meeting: 02.07.22 to begin at 10am at Oregon Real Estate Agency, 530 Center St. NE, Suite 100, Salem, OR 97301.

X. ADJOURNMENT – Vice Chair Ihnat

Respectfully submitted,

STEVE STRODE, COMMISSIONER

Respectfully submitted,

PAT IHNAT, BOARD VICE CHAIR

Amended Law and Rule Required Course 2020-2021

For courses offered January 1, 2020 to December 31, 2021

*This amended course **only** applies to real estate licensees who completed the 2020-2021 Law and Rule Required Course (LARRC) **and** will renew their active licenses or reactivate their licenses on or after July 1, 2022.*

By amending the 2020-2021 LARRC,, the Oregon Real Estate Board addressed the need of a group of licensees who took their LARRC without the new Fair Housing component, required by the passage of HB 2703. These licensees are only required to take the added fair housing component from participating certified continuing education providers to meet their LARRC requirement for active license renewal or when reactivating. Since these licensees have already completed the original 2020-2021 LARRC, the Fair Housing component shall be taught as a stand-alone course

A licensee who has completed the original 2020-2021 LARRC and renews their license before July 1, 2022, is not required to take this amended course. They will need to take a LARRC containing the fair housing component for their subsequent active license renewals

OVERVIEW

This document provides the amended required course content for the Law and Rule Required Course (LARRC) to include the fair housing components (see pages 5-7). In addition, the previously approved required and optional course topics by the Oregon Real Estate Board for the 2020-2021 biennium are listed.

All active real estate licensees must take and complete LARRC from a certified continuing education provider to meet the requirement to take at least a 3-hour continuing education course on recent changes in real estate rule and law found in ORS 696.174.

HOW TO OFFER LARRC

A Certified Continuing Education Provider must meet all the [requirements and responsibilities of a LARRC provider](#), which includes:

- Notifying the Oregon Real Estate Agency that you will be offering the course. You do this by logging in to your eLicense account, if you have not done so before.
- Developing your LARRC course using this document.
 - Use the written learning objectives for the required course topics.
 - Write your own learning objectives for the optional topics that you may choose to include in your LARRC course.
- Ensuring that your LARRC course will take each licensee a minimum of 3 hours to complete. A break of no more than 10 minutes per hour of instruction may be allowed.
- Making sure your advertising and certificates of attendance indicate name of the course as the “Law and Rule Required Course 2020-2021.” You may also use the abbreviation “LARRC” in addition to the full name of the course.
- Confirming that you have a completed and signed [Continuing Education Instructor Qualification Form](#) for each instructor teaching the course.

- Maintaining records as required in [OAR 863-020-0055](#).

COURSE CONTENT

The LARRC course content approved by the Oregon Real Estate Board has required course topics and optional course topics.

Required topics

The Oregon Real Estate Board selected the required topics from legislation passed by the 2019 Oregon Legislature that the Board felt would have the most impact on licensees. Learning objectives are provided.

Optional topics

The optional topics were compiled from legislation passed in the 2019 that the Board determined may have an effect on real estate licensees. Additionally, other topics were added that the Board feels may benefit real estate licensees.

Each continuing education provider is responsible for making sure that learning objectives are developed for each of the optional topics that the provider chooses to include in the LARRC offered by the provider.

Special Interest LARRC Classes

Certified continuing education providers may offer LARRC classes aimed at a specific type of licensee. Such classes must contain the required course topics, but may focus on optional topics approved by the Board that have a particular interest to licensees who manage rental real estate or are responsible for managing real estate companies (registered business names).

There is no requirement to offer such a course; the decision to offer a special interest LARRC course would be a business decision made by the provider.

A provider who chooses to create such a class must still name it on advertising and the certificates of attendance as “Law and Rule Required Course 2020-2021.”

Law and Rule Required Course (LARRC)

Required Topics

Effective January 1, 2020 through December 31, 2021

HOUSE BILL 2001

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/HB2001/Enrolled>

Overview:

Requires cities with populations greater than 10,000, or within Metro, to allow duplexes in lands zoned for single-family dwellings within urban growth boundary.

Learning Objectives:

Upon completion of this course, the licensee will be able to:

- Define “duplex” and “middle housing.”
- Explain the requirement for duplex or middle housing in areas zoned for residential use.
- Explain population requirements.
- Define “urban growth boundary” as a land use planning line required by Oregon law that each Oregon city and metropolitan area has created around its perimeter to control urban expansion into farm and forest lands.
- Relate potential impact of sections 12 and 13 on amendments and enforceability of covenants, conditions and restrictions (CCRs).
- Explain affirmative duty to advise sellers and buyers to seek expert advice on matters related to a transaction that are beyond the licensee’s expertise per ORS 696.805(3)(e) and 696.810(3)(e).

SENATE BILL 454

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB454/Enrolled>

Overview:

Transfers administration of Uniform Disposition of Unclaimed Property Act, unclaimed estates and escheating funds from Department of State Lands to State Treasurer.

Learning Objectives:

Upon completion of this course, the licensee will be able to:

- Recall that unclaimed funds must be transferred to the Oregon Department of Treasury rather than State Lands beginning July 1, 2021. The most common type of unclaimed funds for real estate licensees is tenant security deposits.

SENATE BILL 534

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB534/Enrolled>

Overview:

Requires local governments to allow the development of at least one dwelling unit on each platted lot that is zoned to allow single-family dwellings within urban growth boundary of city with population greater than 25,000.

Learning Objectives:

Upon completion of this course, the licensee will be able to:

- Define “local government” per ORS 197.015(13).
- Explain the allowance for unit development on lots zoned for single-family dwellings.
- Explain local government approval exceptions.
- Recall local government population requirements subject to this law.

SENATE BILL 608

<https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB608/Enrolled>

Overview:

Prohibits landlord from terminating month-to-month tenancy without cause after 12 months of occupancy.

Learning Objectives:

Upon completion of this course, the licensee will be able to:

- Recall exceptions for certain tenancies on building or lot used by landlord as residence.
- Explain the requirements allowing landlords to terminate tenancy.
- Outline the exemptions to the law and landlord non-renewal allowances and terms.
- Explain timeline and amount limitations to rent increases.

LARRC COURSE ADDENDUM - FEDERAL AND STATE FAIR HOUSING LAWS (IMPLEMENTING HB 2703) – to be taught as a stand-alone course

This required topic only applies to licensees who are renewing on or after July 1st, 2022 and are reporting the 2020-2021 LARRC during their online licensee renewal. Licensees renewing on or after July 1st, 2022, and are reporting the 2022-2023 version of LARRC do not need to take this separate course.

[Fair Housing Act](#)

Overview:

The purpose of fair housing laws and rules is to prevent discrimination of people on the basis of a protected class during a property transaction. Federal, state and local regulations prohibits brokers, sellers, lenders, and insurers from adopting discriminatory policies against people in protected classes.

Oregon's House Bill 2703 was enacted to ensure Oregon real estate licensees learn about state and federal fair housing laws as part the continuing education requirement to renew an active license or reactivate a license. The new requirement becomes effective July 1, 2022.

The Fair Housing Act prohibits discrimination in the sale, rental, and financing of housing based on race, color, national origin, religion, sex, familial status, and disability. In addition to the federal protected classes, the state of Oregon has included additional protected classes, and many local governments have included even more.

Learning Objectives:

Upon completion of this course, the licensee will be able to:

- List the federal protected classes.
- Describe the history of discriminatory practices by regulators and industry professionals related to restricted covenants, redlining, blockbusting, and steering that led to the creation of the Fair Housing Act.
- Define blockbusting.
- Define redlining.
- Define steering.
- Define implicit bias.
- Define disparate impact.
- List Oregon's protected classes (source of income, domestic violence survivors, marital status, sexual orientation, and gender identity, see [Oregon Revised Statute \(ORS\) chapter 659A](#), [Oregon Administrative Rule chapter 839](#), and [ORS 90.445](#)) and compare with the federal protected classes.
- Identify when parties are exempt from the Fair Housing Act ([Federal Fair Housing Act Sec. 803\(b\)](#)).
- Describe the real estate property types covered in the Fair Housing Act ([Federal Fair Housing Act Sec. 803](#)).
- Explain fair housing advertising guidelines ([Federal Fair Housing Act Sec. 804\(c\)](#)).
- Understand under what circumstances reasonable accommodations and reasonable modifications are necessary to allow persons with disabilities to enjoy their housing ([Federal Fair Housing Act Sec. 804\(f\)\(3\)](#))

- Understand the laws that govern protections from discrimination against disability at the federal level ([Federal Fair Housing Act Sec. 804](#)).
- Identify prohibited actions involving the sale and rental of housing under the Fair Housing Act ([Federal Fair Housing Act Sec. 804 through 806](#)):
 - *Real Estate Transaction:*
Based on protected classes, an individual subject to fair housing laws, including Oregon real estate licensees, **cannot**:
 - Refuse to sell or negotiate in the sale of housing.
 - Falsely deny that housing is available for an inspection.
 - Make housing unavailable.
 - Indicate any preference, limitation, or discrimination within any statement, advertisement, or published notice.
 - Discourage the purchase of a dwelling.
 - *Property Management:*
Based on protected classes, an individual subject to fair housing laws, including Oregon real estate licensees, **cannot**:
 - Discourage the rental of a dwelling.
 - Refuse to rent or negotiate, in the rental of housing.
 - Make housing unavailable.
 - Set different terms, conditions or privileges for the rental of a dwelling.
 - Provide a person different housing services or facilities.
 - Indicate any preference, limitation or discrimination within any statement, advertisement, or published notice.
 - Threaten, intimidate or interfere with a person's enjoyment of a dwelling. This includes visitors or associates of the tenant.
 - Threaten an employee or agent with firing or other negative action for any legal, non-discriminating, pro-regulatory, effort to help someone rent a unit.
 - Limit privileges, services or facilities of a dwelling.
 - Fail or delay maintenance or repairs.
 - Fail to investigate or address allegations that a tenant or group of tenants is harassing or threatening another tenant.
 - Retaliate against a person who has made a complaint, testified, or in any way assisted with proceedings under the Fair Housing Act.
 - *Rental Screening Process:*
Based on protected classes, an individual subject to fair housing laws, including Oregon real estate licensees, **cannot**:
 - Use different qualification criteria or applications.
 - Use different rental standard or procedures, such as income standards, application fees, credit analyses, or rental approval procedures or other requirements.
- Recognize prohibited actions relating to mortgage lending under the Fair Housing Act (Example: Refuse to make a mortgage loan or provide other financial assistance for a dwelling.).
- Cite contemporary examples of fair housing law violations that make these issues relevant today.
- Understand the two categories that fall under sexual harassment, quid pro quo and hostile environment.

- Recall Oregon Bureau of Labor & Industries (BOLI) is Oregon’s governing agency that reviews complaints, regulates, and assesses civil penalties for fair housing violations.
- Understand that BOLI and the Oregon Real Estate Agency share complaint information and report findings regarding fair housing violations.
- Explain how to submit a fair housing complaint:
 - BOLI, Civil Rights Division ([here](#)).
 - U.S. Department of Housing and Urban Development ([here](#)).

Additional Resources:

U.S. Housing and Urban Development

- [Fair Housing Rights and Obligations](#)
- [Info for Real Estate Brokers and Agents](#)
- [Equal Housing Opportunities for Individual for Disabilities Overview](#)
- [Advertising and Marketing](#)
- [Memorandum on Guidance Regarding Advertisements Under § 804\(c\) of the Fair Housing Act](#)
- [Equal Housing Opportunity Graphics for Printing](#)
- [Fair Lending Guide](#)
- [Fair Housing Types of Housing Covered](#)

Oregon Bureau of Labor and Industries (BOLI)

- [Fair Housing Page](#)
- [Housing Discrimination Page](#)

Fair Housing Council of Oregon

- [Fair Housing Council of Oregon Home Page](#)
- [Information for Housing Providers](#)

[Protected Classes in Oregon by City and County](#)

Law and Rule Required Course (LARRC)

Optional Topics

Effective January 1, 2020 through December 31, 2021

In addition to the required course topics listed above, a certified continuing education provider may include the following subjects.

2019 OREGON LEGISLATION

[House Bill Number 2002](#)

Requires property owner subject to affordability restriction to provide more notice to Housing and Community Services Department and local governments before restrictions expire.

[House Bill Number 2006](#)

Appropriates moneys to Housing and Community Services Department for grants to support services and programs for families seeking or needing housing that have low or very low incomes.

[House Bill Number 2106](#)

Allows dog training classes to be conducted in farm buildings existing on January 1, 2019, within counties that adopted marginal lands provisions.

[House Number 2118](#)

Standardizes use of consumer price index for purposes of indexing values in statutes and session law.

[House Number 2225](#)

Defines "center of the subject tract" for siting certain permissible forest dwellings.

[House Bill Number 2285](#)

Clarifies receivership proceedings and reporting and notice requirements for residential properties that city or county determines are threat to public health, safety or welfare.

[House Bill Number 2306](#)

Requires city or county to issue residential building permits upon substantial completion of construction of public improvements in residential subdivisions.

[House Bill Number 2312](#)

Requires seller disclosure form to include warning regarding flood insurance.

[House Bill Number 2423](#)

Adopts Small Home Specialty Code to regulate construction of homes not more than 400 square feet in size.

[House Bill Number 2425](#)

Allows county clerk to record electronic record or record bearing electronic signature and to charge for electronic delivery of copies of records.

[House Bill Number 2459](#)

Permits person or agent of person that holds lien that encumbers real property to request statement from person that holds another lien that also encumbers same real property of amount that is necessary to pay off other lien.

[House Bill Number 2466](#)

Requires certain homeowners associations and all condominium unit owners associations to carry fidelity bond coverage, unless owners and board have elected otherwise in the preceding year.

[House Bill Number 2469](#)

Allows counties to approve second dwelling on forestlands within rural fire protection district near existing dwelling for owner or relative who supports owner's forestry practices.

[House Bill Number 2485](#)

Establishes procedures for adoption of restated declaration, restated assignment of use of limited common elements and restated bylaws by condominium association.

[House Bill Number 2486](#)

Allows Real Estate Agency to electronically facilitate condominium reporting process.

[House Bill Number 2530](#)

Requires persons who send or serve certain documents related to termination of tenancy, forcible entry or detainer and residential foreclosures to include certain information regarding assistance that may be available to veterans of armed forces.

[House Bill Number 2997](#)

Requires cities and counties to exempt certain CCRCs (continuing care retirement communities) from requirements to include affordable housing within development.

[House Bill Number 3024](#)

Prohibits county from considering property tax classification of dwellings that were previously removed, destroyed, demolished or converted to nonresidential uses when reviewing application for replacement dwelling on lands zoned for exclusive farm use.

[Senate Bill Number 262](#)

Extends sunset for property tax exemption for multiple-unit housing.

[Senate Bill Number 369](#)

Modifies definition of "substantial completion" for purposes of statute of limitation for action arising out of construction, alteration or repair of improvement to real property.

[Senate Bill Number 484](#)

Limits landlord to single applicant screening charge per 60-day period, per applicant applying to rent multiple dwelling units owned or managed by landlord.

[Senate Bill Number 873](#)

Allows defendant in eviction action to apply for order setting aside judgment.

[Senate Bill Number 970](#)

Limits applicable screening criteria for residential landlords.

ADDITIONAL OPTIONAL TOPICS

- eLicense (the Agency's online electronic licensing management system)
 - Adding or removing clients trust accounts.
 - Changing your legal name.
 - Registered Business Name renewal.
 - Transferring and inactivating a licensee.
 - Renewing your license.
- Review of recent administrative actions taken against licensees found in the [Oregon Real Estate News Journal](#).
- Advertising requirements ([OAR 863-015-0125](#)), including social media, internet advertising, and the use of a "common derivative" of a licensee's first name and the licensee's licensed last name when advertising. (Note: All licensees must be licensed using their legal name.)
- Any division of [Oregon Administrative Rules Chapter 863](#).
- Difference between statutes and rules.
- Role of the Oregon Real Estate Agency, including:
 - Education and examination for broker, principal broker and property manager licenses.
 - Licensing and regulation of real estate principal brokers, brokers, property managers and escrow and escrow agents.
 - Regulation of condominiums, timeshare and campground registrations, real estate marketing organizations, out of state subdivisions, and certain manufactured dwelling subdivisions.
 - Investigation of complaints against real estate licensees, escrow agents, and individuals conducting unlicensed professional real estate.
- Issues concerning radon, including information to alert potential buyers of one- and two- family dwellings.
- Fair Housing, including Oregon specific topics and resources for licensees.



Vision

We envision hunger-free, healthy communities.

Mission statement

We're working towards a hunger-free Oregon, where state employees are neighbors helping neighbors build healthy communities.

Organization History

In the spring of 1979, Governor Atiyeh initiated Oregon Food Share, the first statewide food distribution network in the nation and the predecessor of the Oregon Food Bank Network, This was in response to federal cutbacks in food stamp allotments, now referred to as SNAP.

Then in 1982, Governor Atiyeh started the Governor's State Employees Food Drive, calling on every state agency to sponsor a food drive "to reduce the suffering of those without adequate food resources" and "to show that true Oregonians believe that we can and do help our friends and neighbors in need."

Governor's State Employees Food Drive

*Neighbors
Helping
Neighbors*

February 2022

Ways to participate:

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

**OREGON
FOOD BANK
NETWORK**



Contact Us:

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





Regional Food Banks of Oregon Food Bank

Updated: 1/9/22

	Counties Served	Designation Code	Contact Person	Mailing Address	City, State	Zip	Phone	Email	Alternate Address	Donation URL
ACCESS	Jackson	BK01	RJ Wright	PO Box 4666	Medford, OR	97501	(541) 774-4321	donorsupport@accesshelps.org	3630 Aviation Way Medford, OR 97501 (physical)	http://www.accesshelps.org/donate/
CCA	Clatsop	BK04	Dusten Martin	2010 SE Chokeberry Ave	Warrenton, OR	97146	(503) 861-3663	dmartin@ccaservices.org		https://ccaservices.org/how-you-can-help/donate/
Clark County Food Bank	Clark	BK21	Alicia Flintoff	6502 NE 47th Ave	Vancouver, WA	98661	(360) 693-0939	Alicia.flintoff@clarkcountyfoodbank.org		clarkcountyfoodbank.org/donate
Columbia Gorge Food Bank (Checks made out to: Oregon Food Bank BK14)	Hood River, Sherman, Wasco	BK14	TBA	7900 NE 33rd Dr	Portland, OR	97211	(503) 853-8738	TBA		give.oregonfoodbank.org/gsefd
Columbia Pacific Food Bank	Columbia	BK05	Meagan Fawcett	PO Box 1031	Saint Helens, OR	97051	(503) 397-9708	meagan@cpfoodbank.org	474 Milton Way St Helens, OR 97051 (physical)	https://cpfoodbank.org/get-involved/donate/
Community Action Program East Central Oregon	Gilliam, Morrow, Umatilla, Wheeler	BK02	Angela Johnson	721 SE 3rd Suite D	Pendleton, OR	97801	(541) 278-5667	ajohnson@capeco-works.org		https://www.capeco-works.org/donate.html
Feeding Umpqua	Douglas	BK19	Sarah McGregor	280 Kenneth Ford Dr	Roseburg, OR	97470	(541) 492-3911	sarah.mcgregor@ucancap.org		www.feedingumpqua.org
FOOD For Lane County	Lane	BK07	Sarah Reiter	770 Bailey Hill Rd	Eugene, OR	97402	(541) 343-2822	sreiter@foodforlanecounty.org		https://foodforlanecounty.org/governorsdrive/
Food Share of Lincoln County	Lincoln	BK10	Pati D'Eliseo	535 NE First St	Newport, OR	97365	(541) 265-8578	info@foodsharelc.org		https://foodsharelc.org/donate-to-food-share/
Josephine County Food Bank	Josephine	BK08	Josephine Sze	PO Box 2380	Grants Pass, OR	97528	(541) 479-5556	director@jocofoodbank.org	3680 Upper River Rd Grants Pass, OR 97526 (warehouse)	https://www.jocofoodbank.org/make-an-impact
Klamath-Lake Counties Food Bank	Klamath, Lake	BK09	Niki Sampson	PO Box 317	Klamath Falls, OR	97601	(541) 882-1223	niki@klamathfoodbank.org	3231 Maywood Dr Klamath Falls, OR 97603	klamathfoodbank.org
Linn Benton Food Share	Linn, Benton	BK11	Ryan McCambridge	545 SW 2nd St Ste A	Corvallis, OR	97333	(541) 758-2608	rmccambridge@communityservices.us	33747 Looney Lane Tangent, OR 97389 (warehouse)	https://givebutter.com/csc-lbfs
Marion-Polk Food Share	Marion, Polk	BK13	Josh Gwin	1660 Salem Industrial Dr NE	Salem, OR	97301	(503) 581-3855	JGwin@marionpolkfoodshare.org		https://stateemployees.funraise.org/
NeighborImpact	Crook, Deschutes, Jefferson	BK03	Tess Conley	2303 SW First St	Redmond, OR	97756	(541) 316-2037	tessc@neighborimpact.org		https://www.neighborimpact.org/donate-online/
Northeast Oregon Regional Food Bank	Union, Baker, Grant, Wallowa	BK06	Audrey Smith	1504 N Albany St	La Grande, OR	97850	(541) 963-7532	audrey@ccno.org		https://ccno.org/custom-donation/
Oregon Food Bank - Portland Metro area	Multnomah, Clackamas	BK15	TBA	7900 NE 33rd Dr	Portland, OR	97211	(503) 853-8738	TBA		give.oregonfoodbank.org/gsefd
Oregon Food Bank - Southeast Oregon Services	Harney, Malheur	BK12	TBA	773 S Oregon St	Ontario, OR	97914	(541) 889-9206	TBA		give.oregonfoodbank.org/gsefd
Oregon Food Bank - Tillamook County Services	Tillamook	BK16	TBA	PO Box 1344	Tillamook, OR	97141	(503) 842-3154	TBA	1760 Wilson River Loop Tillamook, OR 97141 (physical)	give.oregonfoodbank.org/gsefd
Oregon Food Bank - Washington County Services	Washington	BK18	TBA	7900 NE 33rd Dr	Portland, OR	97211	(503) 853-8738	TBA	1870 NW 173rd Ave Beaverton, OR 97006 (warehouse)	give.oregonfoodbank.org/gsefd
South Coast Food Share (a program of Oregon Coast Community Action)	Coos, Curry	BK17	Laura Hunter	1855 Thomas Ave	Coos Bay, OR	97420	(541) 435-7097	southcoastfoodshare@orcca.us	225 LaClair Ave Coos Bay, OR 97420 (warehouse)	www.orcca.us/donate
YCAP (Yamhill Community Action Partnership) Food Bank	Yamhill	BK20	Laverne Pitts	PO Box 621	McMinnville, OR	97128	(503) 687-1488	LaverneP@yamhillcap.org	1317 NE Dustin Ct McMinnville, OR 97128 (physical)	http://weblink.donorperfect.com/GSEFD

ADMINISTRATIVE ACTIONS for OREA Board
11/18/21 through 1/18/22
(corresponding orders are attached)

REVOCATIONS

None.

SUSPENSIONS

None.

REPRIMANDS

Morrison, John J (Eugene), Principal Broker 780301765, Stipulated Final Order dated December 21, 2021, issuing a reprimand.

Figueroa, Freddie Jael (Portland), Broker 201210858, Stipulated Final Order dated December 23, 2021, issuing a reprimand.

Winter, Frederick (Portland), Property Manager 201203822, Stipulated Final Order dated January 3, 2022, issuing a reprimand.

Guidotti, Alicia G (Central Point), Broker 200801151, Stipulated Final Order dated January 18, 2022, 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

UNLICENSED ACTIVITY

None.

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
JOHN J. MORRISON) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and John J. Morrison (Morrison) do hereby agree and stipulate to the following:

FINDINGS OF FACT, STATEMENTS OF LAW
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.

First Findings of Fact:

1.1 At all times mentioned herein, Morrison was licensed as a principal broker with Morrison Real Estate.

1.2 On September 18, 2020, Morrison was requested to participate in a clients' trust account review for account ending in #6174 holding owner funds. On October 27, 2020, Morrison submitted the reconciliation records to the Agency. Due to outstanding issues from the review, the Agency opened an investigation.

1.3 On July 8, 2021, Morrison provided reconciliation documents complete through the end of June 2021 for clients' trust account ending in #6174. He submitted a "Trust Account Reconciliation" document showing an ending balance of \$15,918.08 dated July 1, 2021. The document was a list of checks and deposits not yet clearing the bank.

- Part I, the total adjusted bank statement balance, per Morrison's calculations was \$4,393.24.

- 1 • Part II, the ending balance for June 2021 as recorded on Morrison’s register was
- 2 \$13,009.53.
- 3 • Part III, the owner ledger balance as of July 8, 2021 was \$6,228.08.

4 1.4 The three parts of the reconciliation did not balance and Morrison failed to

5 explain the difference.

6 **First Statement of Law:** The Real Estate Commissioner may reprimand the real

7 estate license of any real estate licensee if the licensee has disregarded or violated any

8 provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and

9 696.890 or any rule of the Agency. ORS 696.301(3) is implemented in part by OAR 863-025-

10 0028(2)(b) (01/01/2021 Edition) which states: (2) A property manager must reconcile each

11 clients’ trust account within 30 calendar days of the date of the bank statement pursuant to the

12 requirements contained in this section. (b) The balances of each component in section (2)(a) of

13 this rule must be equal to and reconciled with each other. If any adjustment is needed, the

14 adjustment must be clearly identified and explained on the reconciliation document.

15 **First Conclusion of Law:** The three parts of the June 2021 reconciliation for account

16 ending in #6174 did not balance, and Morrison failed to explain the differences in violation of

17 ORS 696.301(3) and its implementing rule OAR 863-025-0028(2)(b) (01/01/2021 Edition).

18 **Second Findings of Fact:**

19 1.5 The Trust Account Reconciliation document dated July 1, 2021, contained a

20 deposit adjustment for \$9,303.50 for a transaction occurring on July 7, 2021, which occurred

21 after the reconciliation period.

22 1.6 According to Morris he reconciled June 2021 on July 1, 2021. When asked

23 about the adjustment made on July 7, 2021, Morrison said he printed the reconciliation

24 document on the 8th and thought that was why, but wasn’t really sure.

25 **Second Statement of Law:** ORS 696.301(3) authorizes the Commissioner to

26 reprimand a licensee’s real estate license who has disregarded or violated any provision of

27 ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or

28 any rule of the Real Estate Agency. ORS 696.301(3). Implementation of ORS 696.301(3) is

29 made through OAR 863-025-0028(2)(a)(B) (01/01/2021 Edition) which states: (2) A property

30 manager must reconcile each clients’ trust account within 30 calendar days of the date of the

1 bank statement pursuant to the requirements contained in this section. (a) The reconciliation
2 must have three components that are contained in a single reconciliation document: (B) The
3 balance of the record of receipts and disbursements or the check register as of the date of the
4 bank statement.

5 **Second Conclusion of Law:** According to the Trust Account Reconciliation document
6 dated July 1, 2021, a disbursement of \$9,303.50 made on July 7, 2021, was accounted and
7 adjusted for on the June 2021 reconciliation, in violation of ORS 696.301(3) and its
8 implementing rule OAR 863-025-0028(2)(a)(B) (01/01/2021 Edition).

9 **Third Findings of Fact:**

10 1.7 In comparing the Trust Account Reconciliation document dated July 1, 2021, to
11 the check register, it appeared Morrison accounted for and adjusted \$2,720.00 twice.

12 1.8 The first entry was noted as "Brendon, Stock and Erin Guthrie" and was for
13 \$2,500.00. The second entry was noted as "Brendon, Stock and Erin Guthrie," and was for
14 \$220.00. The third entry was noted as check No: 10400, with detail noted as "Mike and Carol
15 Morrison, See Split-Detail," for \$2,720.00. All three of these entries was for the same day,
16 June 27, 2021.

17 1.9 Explaining the double adjustment, Morrison said Guthrie and Stock were the
18 tenants and were owed the security deposit. He said he might have put the owner payment in
19 the memo as he was "settling up" the account. Guthrie and Stock were paid, not the owner.
20 He couldn't explain the way he accounted for it, but confirmed it was for the same transaction.

21 1.10 Additionally, there were debits totaling \$1,319.50 noted on the register that hadn't
22 cleared the bank statement and were not noted on the Trust Account Reconciliation document.
23 The unaccounted debits were for property management fees paid to Morrison on May 21,
24 2021, May 24, 2021, and June 24, 2021, totaling \$487.00, and an owner draw to Tom and
25 Gale Angstadt on June 8, 2021, for \$832.50.

26 **Third Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand a
27 licensee's real estate license who has disregarded or violated any provision of ORS 659A.421,
28 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the
29 Real Estate Agency. Implementation of ORS 696.301(3) is made through ORS
30 696.890(4)(c)(d) and (f) (2019 Edition) which states: (4) A real estate property manager owes

1 the property owner the following affirmative duties: (c) To exercise reasonable care and
2 diligence; (d) To account in a timely manner for all funds received from or on behalf of the
3 owner; (f) To be loyal to the owner by not taking action that is adverse or detrimental to the
4 owner's interest.

5 **Third Conclusion of Law:** Per the Trust Account Reconciliation document, Morrison
6 adjusted the \$2,720 transaction twice, admitting to accounting for a security deposit refund
7 incorrectly. Additionally, there were debits noted on the register (transaction list), totaling
8 \$1,319.50 that were not adjusted for in Part I of the reconciliation and not noted as clearing the
9 bank. Morrison violated ORS 696.301(3) and its implementing statute ORS 696.890(4)(c)(d)
10 and (f) (2019 Edition).

11 **Fourth Statement of Fact:**

12 1.11 The Trust Account Reconciliation document referenced six checks dating back to
13 February 2021, totaling \$3,188.00 to Morrison Real Estate, not yet clearing the bank.

- 14 • Check#10375, date posted 2/20/21 for \$778.00
- 15 • Check #10382, date posted 3/22/21 for \$778.00
- 16 • Check# 10386, date posted 4/24/21 for \$778.00
- 17 • Check # 10392, date posted 5/27/21 for \$546.00
- 18 • Check posted 6/27/21 for \$165.00
- 19 • Check posted 6/27/21 for \$143.00.

20 1.12 Morrison confirmed these six checks were property management fees.

21 **Fourth Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand
22 a licensee's real estate license who has disregarded or violated any provision of ORS
23 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any
24 rule of the Real Estate Agency. Implementation of ORS 696.301(3) is made through ORS
25 696.241(5) and OAR 863-025-0027(6). ORS 696.241(5) states a principal real estate broker
26 or licensed real estate property manager may not commingle any other funds with the trust
27 funds held in a clients' trust account. OAR 863-025-0027(6) states a property manager must
28 disburse earned management fees from the clients' trust account at least once each month
29 unless a different schedule of disbursement is specified in the property management
30 agreement and may only disburse such fees if sufficient funds are available.

1 **Forth Conclusion of Law:** The Trust Account Reconciliation referenced six checks
2 dating back to February 2021, totaling \$3,188.00 to Morrison Real Estate, not yet clearing the
3 bank. Morrison confirmed these were property management fees. By holding the management
4 fees for February 2021 through May 2021, in the clients' trust account, Morrison violated ORS
5 696.301(3) and its implementing rule OAR 863-025-0027(6) (1/01/2021 Edition) and
6 implementing statute ORS 696.241(5) 2019 Edition).

7 **Fifth Findings of Fact:**

8 1.13 The register/record of receipts and disbursements noted the following April 2021
9 rent deposits noted as "Apr 2021 Rent" that were posted on May 7, 2021.

- 10 • Brendon Stock and Erin Guthrie- 3940 Mill Street for \$1,650.00
- 11 • Eben Burkholder and Kathryn Forgery 2551 Friendly Street, for \$1,395.00
- 12 • TJ Evans and Nduga Hamilton, 210 E 39th St. for \$1,245.00
- 13 • Theresa and David Sturm, 726 Water St. for \$925.00
- 14 • Tyler and Nicole Lankford, 2883 Kindaid, for \$1,395.00

15 1.14 Morrison was asked if the April rent checks posted on the register in May were
16 posted incorrectly. Morrison said he received the checks in April and placed them in the visor
17 of his car after he discovered the bank was closed that day. He forgot the checks and didn't
18 return to deposit them until May 7, 2021.

19 **Fifth Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand a
20 licensee's real estate license who has disregarded or violated any provision of ORS 659A.421,
21 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the
22 Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-025-
23 0065(4) and 696.890(4)(c)(d) and (f). OAR 863-025-0065(4) states all funds, whether in the
24 form of money, checks, or money orders belonging to others and accepted by any property
25 manager while engaging in property management activity, must be deposited prior to the close
26 of business of the fifth banking day following the date of the receipt of the funds into a clients'
27 trust account or security deposits account as defined in OAR 863-025-0010 and established by
28 the property manager under ORS 696.241. The property manager must account for all funds
29 received. 696.890(4)(c)(d) and (f) (2021 Edition) which states (4) A real estate property
30 manager owes the property owner the following affirmative duties: (c) To exercise reasonable

1 care and diligence; (d) To account in a timely manner for all funds received from or on behalf
2 of the owner; (f) To be loyal to the owner by not taking action that is adverse or detrimental to
3 the owner's interest.

4 **Fifth Conclusion of Law:** Morrison's record of receipts and disbursements showed
5 "Apr 2021 Rent" deposits in May 2021. Morrison admitted he collected these rents in April
6 2021, however he failed to deposit them until May 7, 2021, in violation of ORS 696.301(3) and
7 its implementing rule OAR 863-025-0065(4) (01/01/2021 Edition) and implementing statute
8 ORS 696.890(4)(c)(d) and (f) (2019 Edition).

9 **Sixth Findings of Fact:**

10 1.15 On or around May 20, 2021, Tom and Gale Angstadt (Angstadts) terminated their
11 property management agreement with Morrison.

12 1.16 On the owner ledger, dated July 8, 2021, a balance of \$1,576.00 was noted as
13 funds held for the Angstadts.

14 1.17 During his interview with Agency staff on August 8, 2021, Morrison was asked if
15 the Angstadts had been paid the \$1576.00 that showed on the owner ledger, Morrison said no.
16 He sated that they were still trying to figure out the exact amount owed and believes they are
17 only about \$75.00 off, possibly due to his failing to account for a utility payment. As of August
18 8, 2021, Morrison still held Angstadts' funds.

19 **Sixth Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand a
20 licensee's real estate license who has disregarded or violated any provision of ORS 659A.421,
21 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the
22 Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-025-
23 0070(2)(b)(B) (1-1-21 Edition) which states: (2) Not later than 60 days after the effective date
24 of termination, the property manager must: (b) Provide the owner with the following: (B) All
25 funds belonging to the owner as shown on the owner's ledger, unless the owner directs the
26 property manager, in writing, to transfer the funds to another property manager, escrow agent
27 or person.

28 **Sixth Conclusion of Law:** Records show on or around May 20, 2021, the Agstadts
29 terminated their management with Morrison and as of August 8, 2020, Morrison still held the
30 funds of Tom and Gale Angstadt. By failing to disburse all obligated funds to the owner within

1 60 days of termination, Morrison violated ORS 696.301(3) and its implementing rule of OAR
2 863-025-0070(2)(b)(B) (01/01/2021 Edition).

3 **Seventh Statement of Law:** A licensee’s real estate license may be disciplined if they
4 have demonstrated incompetence in performing any act for which a real estate license is
5 required to hold a license. ORS 696.301(12).

6 **Seventh Conclusion of Law:** All of the above violations demonstrate incompetence in
7 violation of ORS 696.301(12) (2019 Edition).

8 **Eight Conclusion of Law:** The forgoing violations are grounds for discipline pursuant
9 to ORS 696.301(3) and (12). Based on these violations a reprimand is appropriate for
10 violations of ORS 696.301(3) and (12). As previously noted, the Agency has set forth the
11 grounds of discipline as ORS 696.301(3) and (12).

12 2.

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

21 3.

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

24 4.

25 **STIPULATION AND WAIVER**

26 I, John J. Morrison, have read and reviewed this Stipulated Final Order and its Findings
27 of Fact, Statements of Law and Conclusions of Law. I understand that the Findings of Fact,
28 Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full and
29 complete agreement and stipulation between the Agency and me. I further understand that if I
30 do not agree with this stipulation I have the right to request a Hearing on this matter and to be

1 represented by legal counsel at such a Hearing. I also understand that any Hearing would be
2 conducted in accordance with the procedures set forth in ORS Chapter 183 and in accordance
3 with the Rules of Practice and Procedure adopted by the Attorney General of the State of
4 Oregon. By signing this Stipulated Final Order I freely and voluntarily waive my rights to a
5 Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this
6 matter.

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

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

16 ORDER

17 IT IS HEREBY ORDERED that John J. Morrison's principal broker license be, and
18 hereby is reprimanded.

19
20 IT IS SO STIPULATED:

IT IS SO ORDERED:

21
22 DocuSigned by:
23 *John J Morrison*
3E9716EDBA9147B...

24 JOHN J. MORRISON

25
26 Date 12/21/2021 | 9:17 AM PST

DocuSigned by:
Steven Strode
E2C2D0097AD8471...

STEVEN STRODE

Real Estate Commissioner

27
28 Date 12/21/2021 | 10:53 AM PST

29
30 Date of Service: 12/21/2021



REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
FREDDIE JAE L FIGUEROA) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Freddie Jael Figueroa (Figueroa) do hereby agree and stipulate to the following:

FINDINGS OF FACT, STATEMENTS OF LAW
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.

First Findings of Fact:

1.1 At all times mentioned herein, Figueroa was licensed as a real estate broker with Keller Williams Realty Portland Premiere.

1.2 On May 7, 2021, Ray Long (Long) submitted a complaint against Figueroa. The Agency opened an investigation on June 3, 2021.

1.3 On February 21, 2021, Figueroa entered into a listing agreement with Craig and Lea Lamond (sellers) to sell 20344 S. Lower Highland Rd, Beavercreek Oregon (subject property).

1.4 On April 2, 2021, Long had Corie Gosse (Gosse), the agent representing Long prepare an offer on the subject property. When Figueroa received Long’s first offer, his transaction coordinator at the time, forwarded Long’s offer to the sellers the same day for review. The terms of Long’s first offer were:

- Sales Price \$750,000

- 1 • Down Payment \$100,000
- 2 • Closing: May 14, 2021
- 3 • Financing: VA
- 4 • Terms: Seller had 14 days to vacate after closing, including all personal property,
- 5 seller not responsible for repairs.

6 1.5 On April 3, 2021, Gosse and the Longs attended an open house at the subject
7 property. That same day Gosse submitted a second offer on behalf of the Longs. On April 3,
8 2021, Figueroa received three offers (including the second offer from the Longs).

9 1.6 Figueroa responded to Gosse's April 3, 2021 email a few minute later with, "Will
10 your buyer do 900k conventional \$40 EM, appraisal and general home inspection waiver? 30
11 day free rent back needed." Gosse responded asking if it was a competing waiver. Figueroa
12 stated, "No just curious."

13 1.7 Figueroa told Agency staff he was acting in the sellers' best interest, who thought
14 the property was worth closer to \$900,000. According to Figueroa he thought he sent this
15 email to Gosse prior to receiving Brittany Gibbs' offer (an offer that the sellers later accepted),
16 but was unsure. Figueroa sent this email without the sellers' knowledge or direction, and no
17 counteroffer or addendum was prepared.

18 **First Statement of Law:** The Real Estate Commissioner may reprimand a licensee's
19 real estate license if the licensee has disregarded or violated any provision of ORS 696.010 to
20 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Agency.
21 ORS 696.301(3). Implementation of ORS 696.301(3) is made through ORS 696.805(2)(a)
22 (2019 Edition) that states: (2) a seller's agent owes the seller, other principals and the
23 principals' agents involved in a real estate transaction the following affirmative duties: (a) to
24 deal honestly and in good faith.

25 **First Conclusion of Law:** On April 3, 2021, Figueroa sent Gosse an email asking if
26 Long would accept different terms. Figueroa did this without the sellers' knowledge or direction,
27 and no counteroffer or addendum was prepared in violation of ORS 696.301(3) and its
28 implementing statute ORS 696.805(2)(a) (2019 Edition).

29 **Second Findings of Fact:**

30 1.8 When Figueroa received Long's second offer made on April 3, 2021, he saw only

1 the “bullet points” of the offer in the body of the email and thought they were amending their
2 original offer. Figueroa verbally reviewed the “bullet points” with the sellers, it was essentially
3 the same as the offer, and they decided they were not interested.

4 1.9 At the time, Figueroa didn’t realize there was a second offer from the Longs.
5 There were significant power outages in the area, at the time, and Figueroa was using his
6 phone to check his email. He didn’t see the attached offer in the email. He said if he had
7 scrolled down further, he would have seen the attached offer, but he missed it. The terms of
8 the agreement were:

- 9 • Sales Price: \$727,000
- 10 • Down Payment: \$100,000
- 11 • Closing: May 14, 2021
- 12 • Financing: VA
- 13 • Terms: Escalation clause to exceed any bona fide offer by \$2000- no cap
14 (competing offer must be provided). The seller had 14 days to vacate after
15 closing, sold-as-is, all personal property removed.

16 1.10 On April 4, 2021, the seller’s accepted an offer written by Britany Gibbs, the
17 terms of the agreement were:

- 18 • Sales Price: \$825,000
- 19 • Down Payment \$350,000
- 20 • Closing: May 12, 2021
- 21 • Financing: Conventional
- 22 • Terms: Seller to maintain possession until July 6, 2021. Any and all personal
23 property of seller’s choice to remain.

24 1.11 On April 4, 2021, the then transaction coordinator for Figueroa sent an email to
25 Gosse notifying her of the sellers’ decision to go with another offer. Gosse had prepared her
26 buyers to receive a counteroffer with the sellers asking for a specific amount.

27 1.12 Looking back Figueroa admits he should have scrolled down further and
28 forwarded the offer to sellers.

29 1.13 Figueroa explained a significant amount of abandoned material and cars needed
30 to be removed from the property. The sellers told him it would cost up to \$50,000 to remove.

1 Figuroa said the escalation clause of \$2,000 over the highest offer would have netted the
2 sellers less because Gibbs' buyers said the sellers could leave the cars and other material.

3 1.14 On April 13, 2021, Long wrote and mailed the sellers a letter expressing his
4 concerns about his offers for the subject property.

5 1.15 On May 2, 2021, Mike Lamond, the sellers' son, assisting his parents, requested
6 a copy of Long's second offer.

7 **Second Statement of Law:** ORS 696.301(3) authorizes the Commissioner to
8 reprimand a licensee's real estate license who has disregarded or violated any provision of
9 ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of
10 the Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-015-
11 0135(2) and ORS 696.805(2)(b) and (3)(a). OAR 863-015-0135(2) (1/1/2021 Edition) states
12 (2) a real estate licensee must promptly deliver to the offeror or offeree every written offer or
13 counter-offer the licensee receives. ORS 696.805(2)(b) and (3)(a) states: (2) A seller's agent
14 owes the seller, other principals, and the principal's agents involved in a real estate transaction
15 the following affirmative duties: (b) to present all written offers, written notices and other written
16 communications to and from the parties in a timely manner without regard to whether the
17 property is subject to a contract for sale, or the buyer is already a party to a contract to
18 purchase. (3) A seller's agent owes the seller involved in a real estate transaction the following
19 affirmative duties: (a) to exercise reasonable care and diligence.

20 **Second Conclusion of Law:** Although Figuroa discussed the terms of the agreement
21 from Gosse's April 3, 2021 email with the sellers, he failed to present them with a copy of the
22 offer in violation of ORS 696.301(3) and its implementing rule OAR 863-015-0135(2)
23 (1/01/2021 Edition) and statute ORS 696.805(2)(b) and (3)(a) (2019 Edition).

24 **Third Findings of Fact:**

25 1.16 Figuroa entered into a listing agreement with the sellers on February 21, 2021,
26 but did not submit the listing for principal broker review until April 5, 2021.

27 **Third Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand a
28 licensee's real estate license who has disregarded or violated any provision of ORS 696.010 to
29 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate
30 Agency. Implementation of ORS 696.301(3) is made through OAR 863-015-0250(2) (1/1/2021

1 Edition) which states when a real estate broker receives any document referred to in (1) of this
2 rule, the real estate broker must transmit to the real estate broker's principal broker the
3 document within 3 banking days of real estate broker's receipt of the document.

4 **Third Conclusion of Law:** Figueroa entered into a listing agreement with the sellers on
5 February 21, 2021, however, the listing was not submitted to his principal broker for review
6 until April 5, 2021 in violation of ORS 696.301(3) and its implementing rule OAR 863-015-
7 0250(2) (1/01/2021 Edition).

8 **Fourth Findings of Fact:**

9 1.17 There were four offers in total received on the subject property. On August 19,
10 2021, the Agency asked Figueroa to submit documentation showing all four offers were
11 submitted for principal broker review. On April 3, 2021, Figueroa submitted the accepted offer
12 to his principal broker for review. However, he did not submit the three rejected offers for
13 principal broker review.

14 **Fourth Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand
15 a licensee's real estate license who has disregarded or violated any provision of ORS 696.010
16 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real
17 Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-015-0250(2)
18 (1/01/2021 Edition), which states when a real estate broker receives any document referred to
19 in (1) of this rule, the real estate broker must transmit to the real estate broker's principal
20 broker the document within 3 banking days of real estate broker's receipt of the document.

21 **Fourth Conclusion of Law:** By failing to submit the three rejected offers for principal
22 broker review Figueroa violated ORS 696.301(3) and its implementing rule OAR 863-015-
23 0250(2) (1/01/2021 Edition).

24 **Fifth Statements of Fact**

25 1.18 Figueroa's Zillow profile page showed him as a "Principal Real Estate Broker"
26 with 9 years of experience. Figueroa was first issued a license on July 28, 2014, and as of
27 September 2021, had been licensed as a broker for approximately 7 years. Figueroa has
28 since corrected this advertising to reflect his correct license designation and experience.

29 **Fifth Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand a
30 licensee's real estate license who has disregarded or violated any provision of ORS 696.010 to

1 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate
2 Agency. Implementation of ORS 696.301(3) is made through OAR 863-015-0125(2)(b)(c) and
3 (e)(1/01/2021 Edition), which states: (2) advertising shall: (b) be truthful and not deceptive or
4 misleading; (c) not state or imply the licensee is a principal broker or is responsible for
5 operating the registered business if the licensee is a real estate broker; (e) not state or imply
6 that the licensee is qualified or has a level of expertise other than as currently maintained by
7 the licensee. ORS 696.301(4) authorizes the Commissioner to reprimand a licensee's real
8 estate license who has knowingly or recklessly published materially misleading or untruthful
9 advertising.

10 **Fifth Conclusion of Law:** Figueroa's Zillow profile page notes that he was a principal
11 broker with 9 years' experience; however, Figueroa is currently only a broker licensed with the
12 Agency since July 28, 2014, in violation of ORS 696.301(4) and ORS 696.301(3) and its
13 implementing rule OAR 863-015-0125(2)(b)(c) and (e) (1/01/2021 Edition).

14 **Sixth Statement of Law:** The Commissioner may reprimand a licensee's real estate
15 licensee if they have: (12) Demonstrated incompetence or untrustworthiness in performing any
16 act for which the real estate licensee is required to hold a license. (15) Engaged in any conduct
17 that is below the standard of care for the practice of professional real estate activity in Oregon
18 as established by the community of individuals engaged in the practice of professional real
19 estate activity in Oregon. ORS 696.301(12) and (15) (2019 Edition).

20 **Sixth Conclusion of Law:** The violations noted above demonstrate incompetence, or
21 untrustworthiness and are below the standard of care for the practice of professional real
22 estate activity in violation of ORS 696.301(12) and (15) (2019 Edition).

23 **Seventh Conclusion of Law:** The forgoing violations are grounds for discipline
24 pursuant to ORS 696.301(3), (4), (12) and (15). Based on these violations a reprimand is
25 appropriate for violations of ORS 696.301(3), (4), (12) and (15). As previously noted, the
26 Agency has set forth the grounds of discipline as ORS 696.301(3), (4) (12) and (15).

27 2.

28 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a real
29 estate license, whether by operation of law, order of the Real Estate Commissioner or decision
30 of a court of law, or the inactive status of the license, or voluntary surrender of the license by

1 the real estate licensee does not deprive the commissioner of jurisdiction to: (1) proceed with
2 an investigation of the licensee; (2) conduct disciplinary proceedings relating to the licensee;
3 (3) Take action against a licensee, including assessment of a civil penalty against the licensee
4 for a violation of ORS 696.020(2); or (4) revise or render null and void an order suspending or
5 revoking a license.

6 3.

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

9 4.

10 STIPULATION AND WAIVER

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

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

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

4
5 ORDER

6 IT IS HEREBY ORDERED that Freddie Jael Figueroa's broker license be, and hereby is
7 reprimanded.

8
9
10 IT IS SO STIPULATED:

IT IS SO ORDERED:

11
12 DocuSigned by:
Fred Figueroa
13 4B1A8B9BE67D4FD...

DocuSigned by:
Steven Strode
E2C2D0097AD8471...



14 FREDDIE Jael FIGUEROA

STEVEN STRODE

15 12/23/2021

Real Estate Commissioner

16 Date _____

Date 12/23/2021 | 9:06 AM PST _____

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18 Date of Service: 12/23/2021 _____
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REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of
FREDERICK WINTER)
STIPULATED FINAL ORDER

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

FINDINGS OF FACT, STATEMENTS OF LAW
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.

First Findings of Fact:

1.1 At all times mentioned herein, Winter was licensed as a property manager doing business under the registered business name of Sellwood Remodeling & Management LLC.

1.2 On September 10, 2020, Winter was asked to take part in clients' trust account review for account ending in #0943, which held owner funds. Winter provided documents in a timely manner. An investigation was opened due to the outstanding issues found in the review.

1.3 On June 23, 2021, Agency Investigator/Financial Auditor Liz Hayes requested Winter to provide new reconciliation records for accounts ending in #0943 for April and May of 2021. Winter responded on July 6, 2021, with the requested reconciliation records.

1.4 The three parts of the April 2021 reconciliation did not balance. Parts II and III were \$1,000.00, and Part I was \$1,053,74. To explain the difference, Winter wrote, "Cumulative Rounding."

1 **First Statement of Law:** The Real Estate Commissioner may reprimand the real
2 estate license of any real estate licensee if the licensee has disregarded or violated any
3 provision of ORS 659A.421, ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to
4 696.870 and 696.890 or any rule of the Agency. ORS 696.301(3) is implemented in part by
5 OAR 863-025-0028(2)(b) and (4) which states: (2) A property manager must reconcile each
6 clients' trust account within 30 calendar days of the date of the bank statement pursuant to the
7 requirements contained in this section. (b) The balances of each component in section (2)(a) of
8 this rule must be equal to and reconciled with each other. If any adjustment is needed, the
9 adjustment must be clearly identified and explained in the reconciliation document. (4) A
10 property manager must take corrective action to resolve all adjustments made in a
11 reconciliation prior to the next reconciliation or document the good faith efforts the property
12 manager has taken to resolve the adjustment.

13 **First Conclusion of Law:** The three parts of the April 2021 reconciliation for clients'
14 trust account ending in #0943 did not balance and Winter noted "Cumulative Rounding" as the
15 explanation, in violation of ORS 696.301 and its implementing rule OAR 863-025-0028(2)(b)
16 and (4) (01/01/2021 Edition)

17 **Second Findings of Fact:**

18 1.5 Winter admitted he had not been regularly reconciling clients' trust account
19 ending in #0943.

20 **Second Statement of Law:** ORS 696.301(3) authorizes the Commissioner to
21 reprimand a licensee's real estate license who has disregarded or violated any provision of
22 ORS 659A.421, ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and
23 696.890 or any rule of the Real Estate Agency. Implementation of ORS 696.301(3) is made
24 through OAR 863-025-0028(2) (01/01/2021 Edition) which states that a property manager
25 must reconcile each client's trust account within 30 calendar days of the date of the bank
26 statement pursuant to the requirements contained in this section.

27 **Second Conclusion of Law:** By failing to reconcile clients' trust account ending in
28 #0943 monthly as required, Winter violated ORS 696.301(3) and its implementing rule OAR
29 863-025-0028(2) (01/01/2021 Edition).

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1 **Third Findings of Fact:**

2 1.6 The adjustments made in Part I of the April 2021 reconciliation for clients' trust
3 account ending in #0943 were not posted on the corresponding check register. Per Winter, he
4 exports the bank statement monthly to create the check register.

5 **Third Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand a
6 licensee's real estate license who has disregarded or violated any provision of ORS 659A.421,
7 ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of
8 the Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-025-
9 0040(1) (01/01/2021 Edition), which states except as provided in section (4) of this rule, a
10 property manager must prepare and maintain a chronological record of receipts and
11 disbursements or a check register for each client's trust account and each security deposits
12 account in which the manager must record each receipt of funds and each disbursement of
13 funds.

14 **Third Conclusion of Law:** By failing to make the adjustments noted in Part I of the
15 April 2021 reconciliation on the corresponding check register Winter violated ORS 696.301(3)
16 and its implementing rule OAR 863-025-0040(1) (01/01/2021 Edition).

17 **Fourth Findings of Fact:**

18 1.7 Some of the entries on the check register for clients' trust account ending in
19 #0943 lacked the required detail noting the purpose of the disbursement.

20 **Fourth Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand
21 a licensee's real estate license who has disregarded or violated any provision of ORS
22 659A.421, ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or
23 any rule of the Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR
24 863-025-0040(2)(b)(D) which states: (2) a record of receipts and disbursements or a check
25 register must contain at least the following information: (b) for each disbursement of funds: (D)
26 the purpose of the disbursement.

27 **Forth Conclusion of Law:** The check register failed to note the purpose of the
28 disbursements, which is a violation ORS 696.301(3) and its implementing rule OAR 863-025-
29 0040(2)(b)(D) (01/01/2021 Edition).

30 ///

1 **Fifth Findings of Fact:**

2 1.8 The deposits noted on the check register appeared to be an aggregated total.

3 1.9 Winter provided copies of his deposit slips which were used as a separate report
4 noting the individual deposits and the owner’s name. These records lacked the purpose of the
5 funds, and the identity of the person who tendered the funds.

6 **Fifth Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand a
7 licensee’s real estate license who has disregarded or violated any provision of ORS 659A.421,
8 ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of
9 the Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-025-
10 0040(6)(b) (01/01/2021 Edition) which states: (6) A property manager may aggregate
11 individual deposits or individual disbursements and record the aggregated total in the record of
12 receipts and disbursements or check register only if the property manager: (b) Maintains a
13 separate report that details the individual deposits or disbursements, which states the
14 information for each deposit and disbursement as required in section (2) of this rule.

15 **Fifth Conclusion of Law:** The check register contained aggregate deposits and the
16 deposit slips which were used as a separate report detailing the individual deposits failed to
17 note the purpose of the funds and the identity of the person who tendered the funds in violation
18 of ORS 696.301(3) and its implementing rule OAR 863-025-0040(6)(b) (01/01/2021 Edition).

19 **Sixth Findings of Fact:**

20 1.10 According to the check register, Winter was paid \$10,031.70 in April 2021 and
21 \$11,491 in May 2021 for property management and maintenance fees. This total amount paid
22 did not equal the property management fees noted on the individual owner ledgers.

23 1.11 Per Winter, he said in addition to collecting his property management fee, he is
24 also paid for maintenance and was reimbursed for expenses paid out of his business account
25 to pay vendors. Winter stated everything is posted on the corresponding ledger account.

26 1.12 On July 20, 2021, Winter submitted a copy of the individual owner ledgers,
27 highlighting his management fee payments and reimbursements. Based on the highlighted
28 items provided by Winter, he was paid \$459.70 more in April 2021 and \$349.00 more in May
29 2021 than what was accounted for on the corresponding owners’ ledgers.

30 ///

1 **Sixth Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand a
2 licensee's real estate license who has disregarded or violated any provision of ORS 659A.421,
3 ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of
4 the Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR 863-025-
5 0040(5) and OAR 863-025-0055(4) (01/01/2021 Edition). OAR 863-025-0040(5) states, upon
6 any activity, the property manager must record each receipt, deposit, or disbursement as
7 required in this rule and record each deposit or disbursement on the corresponding owner's
8 ledger as required in OAR 863-025-0055 and/or tenant's ledger as required in 863-025-0050.
9 OAR 863-025-0055(4) (01/01/2021 Edition) states in part a property manager must report in
10 writing to each owner any change in the owner's ledger. A monthly report, showing all receipts
11 and disbursements for the account of the owner during the prior monthly period, is sufficient
12 under this section.

13 **Sixth Conclusion of Law:** According to the April 2021 and May 2021 check register,
14 Winter was paid \$808.70 more than what was accounted for on the corresponding owners'
15 ledgers in violation of ORS 696.301(3) and its implementing rules OAR 863-025-0040(5)
16 (01/01/2021 Edition) and OAR 863-025-0055(4) (01-1-2021 Edition).

17 **Seventh Findings of Fact:**

18 1.13 Adjustments noted in Part I of the June 2021 Reconciliation of clients' trust
19 account ending in #0943 were not posted and accounted for on the check register.

20 **Seventh Statement of Law:** ORS 696.301(3) authorizes the Commissioner to
21 reprimand a licensee's real estate license who has disregarded or violated any provision of
22 ORS 659A.421, ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and
23 696.890 or any rule of the Real Estate Agency. Implementation of ORS 696.301(3) is made
24 through OAR 863-025-0035(3)(b) (01/01/2021 Edition) which states: (3) if a property manager
25 uses a computerized system for creating, maintaining and producing required records and
26 reports: (b) posting of owner ledgers, record of receipts and disbursements, tenant ledgers and
27 manipulation of information and documents must be maintained in a format that will readily
28 enable tracking and reconciliation.

29 **Seventh Conclusion of Law:** By failing to post and account for the adjustments noted
30 on June 2021 reconciliation for clients' trust account ending in #0943 on the check register

1 Winter violated ORS 696.301(3) and its implementing rule OAR 863-025-0035(3)(b)
2 (01/01/2021 Edition).

3 **Eighth Findings of Fact:**

4 1.14 On the bank statement, clients' trust account ending in #0943 was named,
5 "Sellwood Remodeling & Management LLC Specncer Client Trust Operations." In the Agency
6 licensing system, the account name was entered as "Spencer Client Trust Operations."

7 1.15 Winter's security deposit account registered with the Agency was noted as,
8 "Spencer Client Trust Security Deposits."

9 1.16 Throughout the reconciliation review and subsequent investigation, Winter was
10 asked to update the naming conventions for his clients' trust accounts.

11 1.17 However, as of September 21, 2021, the registered clients' trust account names
12 had not been updated.

13 **Eighth Statement of Law:** ORS 696.301(3) authorizes the Commissioner to reprimand
14 a licensee's real estate license who has disregarded or violated any provision of ORS
15 659A.421, ORS 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or
16 any rule of the Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR
17 863-025-0025(1)(a) and (b) (01/01/2021 Edition), which states: (1) All clients' trust accounts
18 and security deposit accounts must be labeled on all bank records and checks as: (a) "Clients'
19 Trust Account" or "Client Trust Account"; or (b) Clients' Trust Account – Security Deposit," or
20 "Client Trust Account SD.

21 **Eighth Conclusion of Law:** By failing to properly name the clients' trust account and
22 security deposits account, Winter violated ORS 696.301(3) and its implementing rule OAR
23 863-025-0025(1)(a) and (b) (1/01/2021 Edition).

24 **Ninth Conclusion of Law:** The forgoing violations are grounds for discipline pursuant
25 to ORS 696.301(3). Based on these violations a reprimand is appropriate for violations of ORS
26 696.301(3). As previously noted, the Agency has set forth the grounds of discipline as ORS
27 696.301(3).

28 2.

29 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a real
30 estate license, whether by operation of law, order of the Real Estate Commissioner or decision

1 of a court of law, or the inactive status of the license, or voluntary surrender of the license by
2 the real estate licensee does not deprive the commissioner of jurisdiction to: (1) proceed with
3 an investigation of the licensee; (2) conduct disciplinary proceedings relating to the licensee;
4 (3) Take action against a licensee, including assessment of a civil penalty against the licensee
5 for a violation of ORS 696.020(2); or (4) revise or render null and void an order suspending or
6 revoking a license.

7 3.

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

10 4.

11 STIPULATION AND WAIVER

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

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

29 ///

30 ///

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

4 ORDER

5 IT IS HEREBY ORDERED that Frederick Winter's property manager license be, and
6 hereby is reprimanded.

7
8
9 IT IS SO STIPULATED:

IT IS SO ORDERED:

10
11 DocuSigned by:
12 *Fred O Winter*
FF45A86B9DAF4AD...

DocuSigned by:
Steven Strode
E2C2D0097AD8471...



13 FREDERICK WINTER

STEVEN STRODE

Real Estate Commissioner

14
15 Date 12/31/2021 | 3:00 PM PST

Date 1/3/2022 | 8:13 AM PST

16
17 Date of Service: 01/03/2022

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
ALICIA G. GUIDOTTI) STIPULATED FINAL ORDER

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

FINDINGS OF FACT, STATEMENTS OF LAW
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.

First Findings of Fact:

- 1.1 At all times mentioned herein, Guidotti was licensed as a real estate broker with Keller Williams Realty Southern Oregon.
- 1.2 On June 17, 2021, Sergio Ramirez (S Ramirez) and Noemi Ramirez (N Ramirez) submitted a complaint against Guidotti.
- 1.3 On April 8, 2021, the Ramirezes submitted an offer to purchase 1901 Erin Way, Medford, Oregon (subject property) from seller Diaz Memorio Picazo (Picazo). Guidotti represented Picazo. The offer noted a closing date of no later than June 11, 2021, with possession of the property to be delivered to buyer by 5:00 PM on closing. The offer was accepted by Picazo on April 11, 2021.
- 1.4 Linda Frazer, represented the Ramirezes, said she found out about a week before closing that the seller, Picazo would not be able to move out of the home by the closing date of June 11, 2021. Frazier had talked with Guidotti prior to closing and Guidotti had told

1 Frazier she had not yet found a home for Picazo yet, but Guidotti thought Picazo would move
2 in with relatives.

3 1.5 Friday before closing, Frazier received notice from the Ramirezes' lender that the
4 loan was approved and ready for signing. Guidotti received an email from the lender with the
5 same information. Guidotti replied to the email with, "replacement home."

6 1.6 Frazier spoke with Guidotti after Guidotti's email reply to the lender and Guidotti
7 indicated she hadn't found a replacement home for Picazo and Picazo would not be able to
8 move out of the home by the closing date.

9 1.7 When Picazo came to Guidotti's office late on April 11, 2021 to sign the offer, it
10 was past 8:00 PM, and both Guidotti and Picazo were tired and overlooked the fact that Picazo
11 could not close on the June 11, 2021, the closing date noted in the offer. Guidotti said
12 because she was tired, she missed counteroffering with the contingency that Picazo couldn't
13 close until he found a replacement property. Guidotti didn't realize she forgot the contingency
14 until about a week before the closing date.

15 **First Statement of Law:** The Real Estate Commissioner may reprimand the real
16 estate license of any real estate licensee if the licensee has disregarded or violated any
17 provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and
18 696.890 or any rule of the Agency. ORS 696.301(3). ORS 696.301(3) is implemented in part
19 by ORS 696.805(3)(a) (2019 Edition). ORS 696.805(3)(a) states: (3) A seller's agent owes the
20 seller involved in a real estate transaction the following affirmative duties: (a) To exercise
21 reasonable care and diligence.

22 **First Conclusion of Law:** By failing to submit a counteroffer to the Ramirezes offer,
23 with the contingency that Picazo could not close until he found a replacement property, until
24 about a week before the closing date Guidotti violated ORS 696.301(3) and its implementing
25 statute ORS 696.805(3)(a) (2019 Edition).

26 **Second Findings of Fact:**

27 1.8 By her own admission, Guidotti was aware that Picazo could not close on the
28 sale until he found a replacement home to move into. Guidotti said there had been another
29 offer prior to Ramirezes' offer and Picazo had discussed needing to put a contingency in the
30 counteroffer that Picazo could not close until he had found another home to move into.

1 1.9 N Ramierez and her two children relocated from California with the intention of
2 closing on June 11, 2021 and living in the house after that. They have been having to live with
3 family due to not being able to close and move into the subject property. S Ramierez has had
4 to stay in California to maintain his job there for the loan approval.

5 1.10 According to Guidotti, she tried to renegotiate the closing date by extending the
6 closing date and paying money towards the buyers closing costs. She said she has tried
7 everything she can think of to try to resolve the problem, but has been unable to come up with
8 a solution acceptable to both Picazo and the Ramirezes.

9 1.11 On July 29, 2021, a termination agreement was signed by Picazo. Ramirezes
10 have not signed the termination document and still want the subject property.

11 **Second Statement of Law:** ORS 696.301(3) authorizes the Commissioner to
12 reprimand a licensee's real estate license who has disregarded or violated any provision of
13 ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or
14 any rule of the Real Estate Agency. Implementation of ORS 696.301(3) is made through OAR
15 863-015-0135(5) (1-1-21 Edition). OAR 863-015-0135(5) states real estate licensees must
16 include all of the terms and conditions of the real estate transaction in the offer to purchase or,
17 directly or by reference, in the counter-offer, including but not limited to whether the transaction
18 will be accomplished by way of deed or land sales contract, and whether and at what time
19 evidence of title will be furnished to the prospective buyer.

20 **Second Conclusion of Law:** By Guidotti's own admission, she was aware that Picazo
21 could not close until a replacement home was found, as it was discussed with Picazo on a
22 prior offer received. Guidotti did not realize she had failed to submit a counteroffer to
23 Ramirezes' offer including the contingency until about a week before the closing date. Guidotti
24 violated ORS 696.301(3) and its implementing rule OAR 863-015-0135(5) (1-1-21 Edition).

25 **Third Statement of Law:** A licensee's real estate license may be disciplined if they
26 have: (12) Demonstrated incompetence or untrustworthiness in performing any act for which
27 the real estate licensee is required to hold a license. (15) Engaged in any conduct that is
28 below the standard of care for the practice of professional real estate activity in Oregon as
29 established by the community of individuals engaged in the practice of professional real estate
30 activity in Oregon. ORS 696.301(12) and (15).

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.

13 ORDER

14 IT IS HEREBY ORDERED that Alicia G. Guidotti's broker license be, and hereby is
15 reprimanded.

16
17
18 IT IS SO STIPULATED:

IT IS SO ORDERED:



19
20 DocuSigned by:
21 Alicia G. Guidotti
22 DEDF507AAAF14E1...
ALICIA G. GUIDOTTI

DocuSigned by:
Steven Strode
E2C2D0097AD8471...
STEVEN STRODE

Real Estate Commissioner

23
24 Date 1/11/2022 | 6:37 PM EST

Date 1/18/2022 | 8:36 AM PST

25
26 Date of Service: 01/18/2022

**REAL ESTATE BOARD
REGULATION DIVISION REPORT
February 7, 2022**

Regulation Division Manager: Elli Kataura

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

Financial Investigators (Investigator-Auditor): Jeremy Brooks, Aaron Grimes, Frank Leonard, Cidia Nañez,
Lindsey Nunes, John Moore

Compliance Specialist 2: Carolyn Kalb

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 Compliance Coordinators 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 Compliance Coordinators conduct 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

Liz Hayes promoted within OREA in the new Compliance Division as a Compliance Specialist 3. Lisa Montellano accepted a new position as an Enforcement Investigator for the Division of Financial Regulation at DCBS. The Regulation Division hired Frank Leonard as the new Financial Investigator/Auditor at OREA; he started January 3rd, 2022.

Workload and Activity Indicators

Average # in this status at the time	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>Current 1/12/22</u>
Complaint	29	19	26	23	25
Investigation***	32	34	76	53	22
(# of Investigators)	7*	6-7**	7	7	6
Admin Review	81	61	62	4	12
Settlement Process	29	46	58	11	4

* One investigator on medical leave.

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

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

**REAL ESTATE BOARD
EDUCATION & LICENSING DIVISION REPORT
February 7, 2022**

Education & Licensing Manager: Madeline Alvarado
Compliance Specialist: Tami Schemmel, Roger McComas, Jenifer Wetherbee
Administrative Specialist: Elizabeth Hardwick, Nenah Darville, Rick Marsland

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

There is currently one vacancy for an Administrative Specialist 2 position within in the Education & Licensing Division. Interviews are currently being conducted.

Education Update

2022-2023 LARRC is posted to the website and course numbers have been issued to LARRC providers.

Licensing Update

New individual application types- Increased by 7% from November 2021 to December 2022.

License renewals- November 77% and December 81% of licensees renewed their licenses on time.

Phones- Phone calls slightly increased by 1% from November 2021 to December 2021. The average hold time for November was 22 seconds and for December was 36 seconds.

Upcoming

Escrow annual reports notifications will be emailed 2/15/2022 and escrow annual reports will be due by 3/31/2022.

RBN Renewal

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Eligible to Renew	424	345	344	347	319	308	254	268	274	262	275	336
Failed to Renew	19	17	15	18	14	20	13	12	11	11	16	19
% Renewed	96%	95%	96%	95%	96%	94%	95%	96%	96%	96%	94%	94%

Licensing Statistics

Total Licensee Counts by Month:

Individuals (Persons)	Nov-21	Dec-21
Broker – Total	17,767	17,767
Active	16,113	16,025
Inactive	1,654	1,742
Principal Broker - Total	6,394	6,388
Active	6,015	5,996
Inactive	379	392
ALL BROKERS Total	24,161	24,155
Active	22,128	22,021
Inactive	2,033	2,134
Property Manager - Total	940	943
Active	837	842
Inactive	103	101
MCC Salesperson	19	19
MCC Broker	1	1
TOTAL INDIVIDUALS	25,121	25,118
Active	22,985	22,883
Inactive	2,136	2,235
Facilities (Companies)		
REMO	4	4
Registered Business Name (RBN)	3,830	3,821
Registered Branch Office (RBO)	800	796
Escrow Organization	72	72
Escrow Branch	150	150
Condominium Filing (CO)	202	209
Unit Owners Association	970	959

Pre-License Education Provider (PEP)	26	26
CEP	307	286
MCC Operator	25	25
TOTAL FACILITIES	6,386	6,348
TOTAL INDIVIDUALS & FACILITIES	31,507	31,466

New Licenses by Month:

Individuals (Persons)	Nov-21	Dec-21
Broker	137	138
Principal Broker	15	18
TOTAL BROKERS	152	156
Property Manager	7	7
MCC Salesperson	0	0
MCC Broker	0	0
TOTAL INDIVIDUALS	159	163
Facilities (Companies)		
Continuing Education Provider (CEP)	3	1
REMO	0	0
Registered Business Name	20	24
Registered Branch Office	4	3
Escrow Organization	1	0
Escrow Branch	0	0
Condominium Filing	0	0
Unit Owners Association	6	9
Pre-License Ed Provider	0	0
MCC Operator	0	0
TOTAL FACILITIES	31	36
TOTAL INDIVIDUALS & FACILITIES	190	199

Exam Statistics

December 2021

ALL LICENSING EXAMS Total

Broker	497
Property Manager	27
Principal Broker	46
Reactivation	3

Pass Rates

<i><u>First Time Pass Rate</u></i> <i><u>Percentage</u></i>	<i><u>2017</u></i>	<i><u>2018</u></i>	<i><u>2019</u></i>	<i><u>2020</u></i>	<i><u>2021</u></i>
Broker State	61	58	57	50	47
Broker National	73	72	70	68	67
Principal Broker State	58	59	51	53	57
Principal Broker National	76	77	69	63	55
Property Manager	69	67	64	58	66

Oregon Real Estate Agency Education & Licensing Division
Licensee Application & Renewal 2021 Data

New Applications													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Brokers	513	419	528	380	374	345	319	352	324	331	308	329	4522
Principal Brokers	43	39	49	36	34	26	30	28	43	38	33	37	436
Property Managers	20	25	18	22	31	28	25	25	30	19	22	15	280
Total	576	483	595	438	439	399	374	405	397	388	363	381	5238

Renewal Activity														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	461	445	528	518	512	526	520	563	525	539	464	493	6094
	Inactive	27	31	30	22	30	41	37	36	49	32	41	35	411
Late	Active	54	44	45	36	30	43	36	44	56	53	45	44	530
	Inactive	11	7	11	10	12	9	11	10	10	18	16	11	136
Lapse		123	101	120	121	113	102	110	86	116	102	115	93	1302
Total		676	628	734	707	697	721	714	739	756	744	681	676	8473

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	220	189	223	225	196	238	252	239	237	207	202	226	2654
	Inactive	12	2	6	8	5	12	9	12	8	7	12	12	105
Late	Active	11	11	11	10	2	18	9	16	11	13	12	10	134
	Inactive	1	1	2	1	2	3	2	3	3	0	4	2	24
Lapse		25	18	19	28	32	23	23	17	19	16	16	21	257
Total		269	221	261	272	237	294	295	287	278	243	246	271	3174

Oregon Real Estate Agency Education & Licensing Division
Licensee Application & Renewal 2021 Data

Property Managers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	34	29	32	29	36	33	33	33	25	26	25	34	369
	Inactive	5	2	1	1	3	0	3	1	1	2	1	1	21
Late	Active	1	0	2	0	0	1	2	2	3	0	2	2	15
	Inactive	0	1	0	1	1	0	0	0	0	0	0	0	3
Lapse		8	12	4	9	10	1	10	7	4	8	8	11	92
Total		48	44	39	40	50	35	48	43	33	36	36	48	500

Grand Total (Brokers, Principal Brokers, Property Managers)														
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Total Eligible to Renew		993	893	1034	1019	984	1050	1057	1069	1067	1023	963	995	12147
On Time	Active	715	663	783	772	744	797	805	835	787	772	691	753	9117
	Inactive	44	35	37	31	38	53	49	49	58	41	54	48	537
Late	Active	66	55	58	46	32	62	47	62	70	66	59	56	679
	Inactive	12	9	13	12	15	12	13	13	13	18	20	13	163
Total Renewed		837	762	891	861	829	924	914	959	928	897	824	870	10496
Lapse		156	131	143	158	155	126	143	110	139	126	139	125	1651

% On Time		76.4 %	78.2%	79.3%	78.8%	79.5%	81.0%	80.8%	82.7%	79.2%	79.5%	77.4%	80.5%	79.5%
% Late		7.9%	7.2%	6.9%	5.7%	4.8%	7.0%	5.7%	7.0%	7.8%	8.2%	8.2%	6.9%	6.9%
% Failed to Renew(Lapsed)		15.7%	14.7%	13.8%	15.5%	15.8%	12.0%	13.5%	10.3%	13.0%	12.3%	14.4%	12.6%	13.6%
Total		100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %

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

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

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

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

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

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

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

% On Time		81.1 %	82.6%	81.1%	80.7%	82.0%	81.3%	77.0%	79.1%	79.5%	81.7%	77.1%	81.2%	80.4%
% Late		7.2%	5.2%	5.4%	5.9%	6.7%	5.4%	6.9%	5.6%	5.7%	5.2%	7.8%	5.8%	6.1%
% Failed to Renew (Lapsed)		11.7%	12.2%	13.5%	13.5%	11.3%	13.3%	16.1%	15.2%	14.8%	13.1%	15.1%	13.0%	13.6%
Total		100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %	100.0 %

Oregon Real Estate Agency Education & Licensing Division Phone Counts

(minutes: seconds)	Jan – 21	Feb – 21	Mar – 21	Apr – 21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov--21	Dec-21	2021 Average
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

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

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

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

**REAL ESTATE BOARD
ADMINISTRATIVE SERVICES DIVISION REPORT
February 7, 2022**

Administrative Services Manager: Mesheal Heyman

Accountant: Caty Karayel

Systems Administrator: Tiffani Miller

Program Analyst: Rus Putintsev

Operation & Policy Analyst: Denise Lewis

Division 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.

Personnel

There are no current vacancies or recruitments in the Administrative Services Division.

Budget Update

The Agency requested \$151,083 in expenditure limitation to establish one full-time limited duration project manager (0.75 FTE) to plan for and implement a new online licensing and case management system. The Interim Joint Ways and Means Committee approved this request on January 13.

In the first 5 months of the new biennium, we have added an average of \$71,945 per month to our reserves. We had about \$5.9 million in cash reserves at the end of November. Given these cash reserves, the Agency is well positioned for any future retraction.

As of the end of November, projected revenue for the 2021-2023 biennium is at **\$10.3 million** and projected expenses are at **\$9.3 million**. The expected cash balance is **\$6.4 million**.

Office Update

As directed by the Governor, we have delayed our staff's return to the office at this time.

Information Technology

The Department of Administration Services' Cyber Security Service completed a cybersecurity assessment of the Agency's information systems. The Agency is currently taking action on based on the resulting report.

Real Estate Agency - AY23

2021-2023 Budget - Biennium to Date Through June 30th 2023

Budget Codes		<u>21-2023 LAB</u>	<u>Expected Total Expenditures for Biennium (current)</u>	<u>Expected Remaining Limitation at end of Biennium</u>
	Total Personal Services	7,071,078	7,802,689	(731,611)
4100 & 4125	In-State Travel & Out-of-State Travel	103,008	19,985	83,023
4150	Employee Training	38,585	33,743	4,843
4175	Office Expenses	86,611	94,109	(7,498)
4200	Telecom/Tech Services & Support	67,400	75,655	(8,255)
4225	State Government Services	265,226	310,107	(44,881)
4250	Data Processing	113,997	83,457	30,540
4275	Publicity & Publications	38,297	7,552	30,745
4300 & 4315	Professional Services & IT Professional Services	196,960	172,365	24,595
4325	Attorney General Legal Fees	284,277	307,411	(23,134)
4375	Employee Recruitment	8,081	250	7,831
4400	Dues & Subscriptions	9,987	7,254	2,733
4425	Facilities Rent & Taxes	265,559	255,289	10,270
4475	Facilities Maintenance	4,713	11,992	(7,279)
4575	Agency Program Related S&S	922,042	888,600	33,442
4650	Other Services & Supplies	92,287	176,835	(84,548)
4700	Expendable Property \$250-\$5000	30,401	6,500	23,901
4715	IT Expendable Property	169,980	50,886	119,094
	Total Services & Supplies	2,697,411	2,501,988	195,423
	Totals	9,768,489	10,304,677	(536,188)

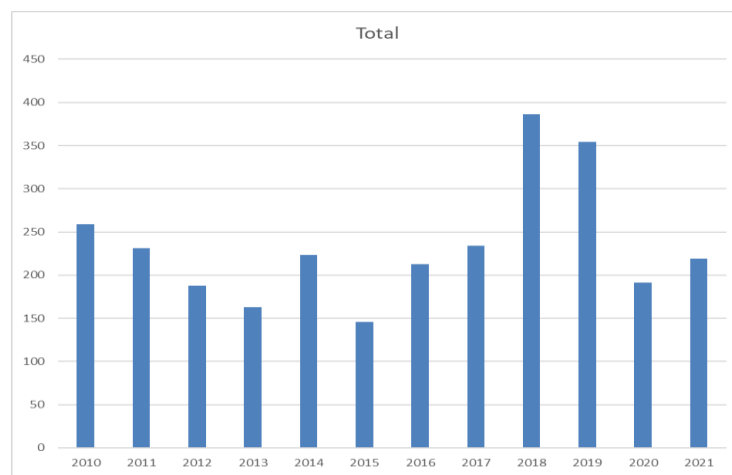
**Report to the Real Estate Board
Land Development Division
February 7th, 2022**

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



Above is a table showing division activity trends over the last decade. Last year the division processed 219 filings, which is 28 more than the previous year. Fluctuation in activity is largely correlated to condominium filing volume, as other filing types do not fluctuate much year to year.

Rulemaking: Overview

The agency is performing another rulemaking related to HB 2703, as well as other housekeeping matters. As you know, that bill added education on state and federal fair housing law to the LARRC. This requirement is being written into rule. As part of that process, the agency is also revising the language of the rules to reflect that the LARRC course should be “at least” three hours, rather than exactly three hours. Other small housekeeping changes are being made as well. A copy of the proposed revisions to rules and a table summarizing those changes are attached as exhibits to this report.

Rules Affected: See attached exhibit.

Exhibit to Land Development Division Report

February 7, 2022 Board Meeting.

OAR Affected	Description of change	Para(s)
863-010-0610	Revised (1) to remove “written form”. Rewritten para modeled on the broker rule (863-014-0050).	(1)
863-010-0620	Updated to reflect online renewals (removing “in writing”). Revisions are patterned on the escrow rule. Added to para (2) is a statement that all REMO licenses expire on June 30 of each year. That has been standard procedure but was not reflected in rule previously.	(2) (3) New para (4)
863-015-0003	Removed, “mail-in” from para (33), so that it now reads, “Reconciliation review”.	(33)
863-015-0092	Remove “mail-in” throughout, and changed “30 days” to “10 business days” for response. The change to 10 business days relates to initial notice, not time to conform after review.	(1), (2), (3), (3)(b), (4), (5), (5)(a)
863-020-0000	Removed reference to “three-hour” course and LARRC description from para (2)(b), so it just refers to Law and Rule Required Course.	(2)(b)
863-020-0005	Inserted a definition of Law and Rule Required Course as a new para (10) and shifted existing definitions down.	
863-020-0010	Removed reference to “three-hour” course and LARRC description from paras (2)(b),(3)(a),(b), and (c), so it just refers to Law and Rule Required Course.	(2)(b) (3)(a), (b), (c)
863-020-0035	Removed reference to “three-hour” course and LARRC description from para (5) as well as removing reference to amount of CE credit available for completion of the LARRC. No other course in this rule states an amount of CE credit, so this tracks with how we handle other courses and recognizes the LARRC may run past three hours.	(5)
863-020-0050	Removed references to “three-hour” course and LARRC description, so it just refers to Law and Rule Required Course.	(1)(a) (1)(b)(B) (4)(e)(B)
863-020-0055	Removed references to “three-hour” course and changed “rule and law” to “Law and Rule Required Course”.	(1)(c)(B)
863-022-0000	Removed references to “three-hour” course and changed “rule and law” to “Law and Rule Required Course”.	(1)(e), (3)(f)
863-022-0005	Added a definition of Law and Rule Required Course as a new subsection (9) and shifted existing down.	
863-022-0020	Removed reference to “three-hour” and inserted reference to “Law and Rule Required Course”.	(2) and (6)
863-022-0021	Removed reference to “three-hour” and inserted reference to “Law and Rule Required Course”.	(2) and (6)
863-022-0022	Removed reference to “three-hour” and inserted reference to “Law and Rule Required Course”.	(2) and (6)
863-022-0030	Removed reference to “three-hour” and inserted reference to “Law and Rule Required Course”.	(7)(c)
863-022-0055	Added the HB 2703 (2021 Regular Session) requirement of training on state and federal fair housing law to description of the course content the Board will develop. Added a new para (4) giving this course the formal title of “Law and Rule Required Course”. This rule also needs its title revised to change “rule and law” to “law and rule” and to remove reference to “three-hour”, but we can’t directly alter rule titles. This will be flagged for the Rules Unit to revise as part of this process.	(1) and (4)
863-025-0010	Removed “mail-in” from para (17) (Reconciliation review definition.)	(17)
863-025-0090	Remove “mail-in” throughout, and changed “30 days” to “10 business days” for response. The change to 10 business days relates to initial notice, not time to conform after review.	(1), (2), (3), (3)(b), (4), (5), (5)(a)
863-027-0020	Updated this rule to reflect current practice that allows delegated leads to do ELOAs. Added, “an authorized Agency staff member”, to para (3).	(3)