



Oregon

Kate Brown, Governor

AGENDA ITEM NO.

I.C.

Real Estate Agency

Equitable Center

530 Center St. NE, Suite 100

Salem, Oregon 97301-2505

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Regulations Fax: (503) 373-7153

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www.oregon.gov/rea

Notice of Agenda

OREGON REAL ESTATE BOARD

Regular Meeting Agenda

Monday, October 7, 2019

Holiday Inn Express & Suites

204 West Marine Drive

Astoria, OR 97103

NOTE: *The board plans to meet from 10 a.m. until 1:30 p.m., including a “working lunch” period.*

I. BOARD BUSINESS – Chair Farley

- A. Call to Order
- B. Chair Farley comments/Roll Call
- C. Approval of the Agenda and Order of Business
- D. Approval of 8.5.19, regular meeting minutes
- E. Date of the Next Meeting: 12.02.19 in Salem, OR location to be determined, to begin at 10am.

II. PUBLIC COMMENT – Chair Farley

- 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. NEW BUSINESS – Chair Farley

- A. Election of Chair and Vice Chair

IV. REQUESTS FOR WAIVERS – Chair Farley. Waiver request log. None.

V. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER– Chair Farley – CEP Log

- A. Nonprofit Home Inspections, Charles Lewis to appear in person.
- B. Andrew Varcak, Mr. Varcak to appear by phone.
- C. Green Training USA, Kelly Caplenas to appear by phone.
- D. Oregon State Credit Union, Lyndora Taylor to appear by phone.

VI. BOARD ADVICE/ACTION – Commissioner Strode

- A. 2020 – 2021 Law and Rule Required Course (LARRC) Required Topics – Make recommendation to adopt the LARRC Outline developed by the LARRC Committee.

VII. REPORTS – Chair Farley

- A. Commissioner Strode
 1. PMAR Broker Risk Management Meeting
 2. OAR Panel Discussion
 3. Business Issues Key Committee
 4. CLEAR and ARELLO Conferences
 5. Occupational Licensure Developments
- B. Agency Division Reports
 1. Regulations, Selina Barnes
 2. Administration and Land Development, Anna Higley
 3. Licensing and Education, Madeline Alvarado

VIII. ANNOUNCEMENTS – Chair Farley. Next board meeting: 12.02.19 in Salem, OR, venue to be determined, to begin at 10am.

IX. ADJOURNMENT – Chair Farley

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
Best Western Plus Hood River Inn
1108 E. Marina Way
Hood River, OR 97031**

Monday, August 5, 2019

BOARD MEMBERS PRESENT: Jef Farley, Chair
Debra Gisriel
Susan Glen
Dave Hamilton
Pat Ihnat
Alex MacLean

BOARD MEMBERS ABSENT: Lawnae Hunter, Vice Chair, excused
Jose Gonzalez, excused
Dave Koch, excused

OREA STAFF PRESENT: Steve Strobe, Commissioner
Anna Higley, Deputy Commissioner of Administrative Services
Selina Barnes, Deputy Commissioner of Regulations
Maddy Alvarado, Customer Service Manager

GUESTS PRESENT: Ashley Nunamaker-Bello
Becky Schertenleib
Chris Vail Rollins
Doug Archbald
Jen Dillard
Katie Henry
Mary Beth Richman
Mel Ahrens
Nan Wimmers
Natasha Whitefield
Nikki Steiner
Rhiannon DeBree
Terri Martz

I. BOARD BUSINESS – Chair Farley

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

MOTION TO APPROVE APPROVAL OF THE AGENDA AND ORDER OF BUSINESS BY DEBRA GISRIEL

SECOND BY SUSAN GLEN

MOTION CARRIED BY UNANIMOUS VOTE

- D. Approval of 6.3.19 regular meeting minutes.

MOTION TO APPROVE THE 6.3.19 REGULAR MEETING MINUTES BY DAVE HAMILTON

SECOND BY DEBRA GISRIEL

MOTION CARRIED BY UNANIMOUS VOTE

- E. Date of the Next Meeting: 10.7.19, in Astoria, OR venue to be determined, to begin at 10am.

II. PUBLIC COMMENT – Chair Farley.

- 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.

Nan Wimmers, Columbia Gorge Real Estate Principal Broker and The Oregon Association of Realtors President asked about the regulatory process regarding advertising, specifically related to social media. Deputy Commissioner Barnes responded that the Agency planned to form a stakeholder work group to review/update the advertising rule. Commissioner Strode stated that he considered the review and update of the advertising rule to be very important. Deputy Commissioner Higley responded that a work group of stake holders, as a larger body, would be more appropriate when considering all the possible outcomes.

III. REQUESTS FOR WAIVERS – Chair Farley. None. Chair Farley explained the process involved.

IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER– Chair Farley. None. Chair Farley explained the process involved.

V. NEW BUSINESS – Chair Farley

A. LARRC Subcommittee update.

1. Commissioner Strode – Mr. Strode explained the Agency took a more collaborative approach when developing the LARCC outline in order to be transparent with the process.
2. Subcommittee report on 8.4.19 meeting - Susan Glen asked Deputy Commissioner Higley to clarify how often LARRC is required and Ms. Higley responded that the requirement is every legislative session. Ms. Glen explained the LARRC committee members, which consisted of Commissioner Strode, Anna Higley, Selina Barnes, Madeline Alvarado, Jef Farley, Dave Hamilton, Pat Ihnat, Debra Gisriel, and Susan Glen, met on August 4, 2019 to review bills that were passed in the most recent session that had to do with housing. She also explained the committee discussed which bills should be required, optional or not included in LARRC. The committee found the following four bills merited inclusion as required course topics:
 - HB 2001 - 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.
 - SB 454 - Transfers administration of Uniform Disposition of Unclaimed Property Act, unclaimed estates and escheating funds from Department of State Lands to State Treasurer.
 - SB 534 - Requires local governments to allow single family dwellings within urban growth boundary of city with population greater than 25,000 to be residential lots platted and zoned for such uses.
 - SB 608 - Prohibits landlord from terminating month-to-month tenancy without cause after 12 months of occupancy.

Ms Glen added that the committee also discussed some other topics that might be worth including in LARRC such as advertising, and brokers fiduciary obligations. Ms. Glen asked Ms. Higley to summarize the next steps involved in the LARRC outline development and Ms. Higley provided the following timeline:

- August 12, 2019 – Publish draft outline to all stakeholders
- August 19 – September 3, 2019 – Open for public comment, which would be available on Agency’s website
- LARRC committee teleconference and public meeting – date TBD and at which time all public comments will be reviewed and final decisions regarding final course outline will be made
- October 7, 2019 – OREA Board Meeting – Final draft of LARRC outline will be present to the board for approval and outline will be published for approved LARRC educators to develop individual courses
- January 1, 2020 – LARRC educators to put outline into practice

VI. ADMINISTRATIVE ACTIONS SUMMARY – None.

VII. REPORTS – Chair Farley

A. Commissioner Strode.

- Deputy Commissioner Dean Owens – Mr. Owens retired at the end of June and his years of service are greatly appreciated. Anna Higley and Selina Barnes were appointed to share the Deputy Commissioner role on an interim basis with the goal of making this a permanent role.
- Agency CE class – Commissioner Strode and REA staff developed a one hour CE class which Commissioner Strode presented to the Mid-Willamette Valley Association and plans on presenting at various venues in the future.
- Board vacancies – Chair Farley and Dave Koch will both be stepping down from the board panel and arrangements for their replacements are in process.
- Board meeting format – Status quo format will continue while Agency explores hybrid solution.

B. Agency Division Reports

1. Selina Barnes

- Regulations Update - Deputy Commissioner Barnes summarized the information/statistics provided in the division handout and explained the current vacancies and staff changes. She also stated recruitment for two investigator positions was currently in process.
- Legislative Update – The following bills that are of interest to the Agency:
 - HB 2096 (Relating to payment of attorney fees in contested cases involving the Oregon Government Ethics Commission; and prescribing an effective date. Permits court to withhold all or part of attorney fees to person who prevails against Oregon Government Ethics Commission in

contested case proceeding if court finds that commission's action was substantially justified or that special circumstances exist.)

- HB 2353 (Authorizes Attorney General, district attorney, or court to award penalty to public records requester, or order fee waiver or fee reduction, if public body responds to request with undue delay or fails to be responsive to request.)
- SB 688 (Directs professional licensing board to annually report to interim committee of Legislative Assembly related to veterans information about temporary authorizations to practice occupational or professional service for spouses or domestic partners of members of Armed Forces of United States who are stationed in this state.)
- SB 855 (Directs professional licensing boards to develop pathways to licensure, certification or other authorization to practice occupation or profession for specified persons – study manner in which persons who are immigrants or refugees become authorized to practice occupation or profession – directs board to reduce barriers to authorization to practice for immigrants or refugees.)

2. Anna Higley

- Administrative Services Update – Deputy Commissioner Higley gave a brief Agency budget update and summarized the information/statistics provided in the division report. She also explained that the Agency is exploring creating a more secure lobby/entrance into the office
- Land Development Update – Deputy Commissioner Higley reported that condominium filings have not increased since 2018 and are expected to continue at this rate.

3. Madeline Alvarado – Licensing and Education Update – Ms. Alvarado summarized the information/statistics provided in the division report and explained that recruitments for two temporary employees are in process. She also

VIII. ANNOUNCEMENTS – Chair Farley. Next board meeting: 10.07.19 in Astoria, OR, venue to be determined, to begin at 10am.

IX. ADJOURNMENT

Respectfully submitted,

Respectfully submitted,

STEVE STRODE, COMMISSIONER

JEN FARLEY, BOARD CHAIR

DRAFT

**AGENDA ITEM NO.
V.**

OREGON REAL ESTATE BOARD - CEP LOG (2016-2019)

6.6.16	Kenneth Holman	WITHDRAWN	Mr. Holman withdrew his petition and indicated his intention to re-petition the board as a trade association at a later date.
6.6.16	CMPS Institute (Gibran Nicholas)	APPROVED	FACTS: Chair Hermanski asked CMPS to summarize the basis of their petition. Gibran Nicholas explained that CMPS Institute has provided education across the country and is approved in 10 states to provide CE to real estate agents. Mr. Nicholas also explained CMPS Institute offers the following acceptable course topics: advertising; regulation; consumer protection; real estate taxation; and finance. Chair Hermanski asked if they were familiar with the record keeping requirements and Ms. Nicholas responded that they are familiar with the record keeping requirements MOTION TO APPROVE CMPS INSTITUTE’S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY MARCIA EDWARDS SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE
10.3.16	Michelle Moore	APPROVED	FACTS: Ms. Moore explained that she had nine years of experience in providing continuing education courses covering the following topics: real estate consumer protection, risk management, dispute resolution, and negotiation, which are considered acceptable course topics. Dave Koch asked Ms. Moore if she was familiar with the record keeping requirements involved with being a provider and she responded that she was aware of the requirements. MOTION TO APPROVE BY DAVE KOCH SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE
12.05.16	Brix Law LLP	APPROVED	FACTS: Laura Craska Cooper and Brad Miller appeared by phone and Mr. Miller explained Brix Law LP specializes in real estate and land use transactions and both he and Ms. Craska Cooper had an extensive amount of experience in the following areas: real estate leasing, acquisitions, development, financing, general business, and negotiations. Chair Hermanski asked Mr. Miller and Ms. Craska Cooper if they were familiar with the record keeping requirements as a certified education instructor and Mr. Miller responded that they were familiar this requirement.
02.06.17	Systems Effect LLC	APPROVED	FACTS: Mr. Jordan appeared by phone and explained that Systems Effect LLC is a distance learning company that has been in business since 2008 and is currently approved to provide real estate continuing education courses in Arizona, Kansas, Minnesota, Missouri, and Ohio. He also stated that the courses offered cover the following acceptable topics: Principal broker record keeping and supervision, trust accounts, agency relationships, misrepresentation, disclosure, contracts, appraisal, fair housing, risk management, water rights, environmental protection, land use, real estate law, negotiation, and others. Dave Koch asked Mr. Jordan if a tracking device was in place to monitor class time and he responded that there is a timer in place to verify that students meet the required course time. Alex MacLean asked Mr. Jordan if there is a resource for student assistance with questions they might have and Mr. Jordan responded that there is a FAQ information, email system, and staff available for students.
02.06.17	American Dream Real Estate School LLC	APPROVED	FACTS: Herbert Nagamatsu appeared by phone and explained that American Dream Real Estate School created, administered and delivered online courses and training programs to students since 2005. He also stated that the courses offered cover the following acceptable topics: Contracts, Risk Management, and real estate finance. Dave Koch asked Mr. Nagamatsu how he derived the questions for the courses and he responded that the topics covered meet with rule and law. Alex MacLean asked Mr. Nagamatsu how students communicate with instructors he responded that contact information for instructors is posted online for students. Mr. Koch asked Mr. Nagamatsu how class time was tracked and he responded timing mechanisms were in place behind the scenes. Mr. Koch also asked Mr. Nagamatsu to explain his record keeping process and he responded records are kept for minimum of 3 years and backup for seven years.
02.06.17	Asset Preservation Inc.	APPROVED	FACTS: Elisa Mas appeared by phone and explained that Asset Preservation, Inc. has provided 1031 exchange courses for continuing education to real estate professionals all over the nation for over 25 years and was also approved to teach continuing education courses in Texas, New York, Florida, Colorado, Washington, Oklahoma, New Jersey, and Arizona as well as Oregon, previously. She also stated that the courses offered cover the following acceptable topics: Real estate taxation and Real Estate Finance. Alex MacLean asked Ms. Mas when her company was certified and she responded approximately one year ago. Mr. MacLean also asked Ms. Mas if her company was currently certified and if not, to explain the gap in time. Ms. Mas explained the previous administrator was expired and now they want to be certified again.
02.06.17	Military Mortgage Boot Camp	APPROVED	FACTS: Mike Fischer appeared by phone and explained the current class offered is a 2 or 3 hour version which covers appraisal, VA assistance, and transaction coordination. Chair Edwards asked Mr. Fischer which acceptable topics were covered in the courses offered and he responded that consumer protection was the topic covered. Dave Hamilton stated he would like to see Oregon’s program

			incorporated in the course and Mr. Fischer responded they could incorporate Oregon's program. Chair Edwards clarified that although, incorporating Oregon's program was not a requirement or contingency, it was encouraged.
02.06.17	Fairway Independent Mortgage Corp.	APPROVED	FACTS: Kate Myers appeared before the board and explained Fairway Independent Mortgage Corp. was one of the mortgage companies that is allowed to handle VA loans. Chair Edwards asked Ms. Myers which acceptable course topics are covered in their courses and she responded that real estate finance was the topic offered. Dave Koch asked Ms. Myers if there was a record keeping mechanism in place and she responded there is an administrator who would be assigned the record keeping duties
04.03.17	Envoy	APPROVED	FACTS: Mr. Varcak appeared by phone and explained he has taught first time home buyers courses and facilitated other trainings. He also said he teaches courses covering the topic of Real Estate Finance, which is an acceptable course topic. Mr. Varcak indicated that his goal was to provide a more structured training program through Envoy. Coni Rathbone asked Mr. Varcak if he has kept track of continuing education credits and he responded that although he had not kept track of credits in the past, he did review all the record keeping requirements and was prepared to follow them. Dave Koch of he intended to use instructors to provide variety of topics and Mr. Varcak responded that he did intend to utilize other instructors. Commissioner Bentley asked Mr. Varcak if he had considered being an instructor rather than a provider and Mr. Varcak responded that his company wanted to provide their own coursework.
04.03.17	Oregon Rental Housing Association Education Inc.	APPROVED	FACTS: Ms. Pate appeared and explained ORHA Education Inc. is seeking a grant to provide supplemental education to landlords, tenants, and public education. Chair Edwards asked Ms. Pate which location records would be kept and she responded that she believed the Salem office located on Commercial St. would house the records. Commissioner Bentley asked Ms. Pate to clarify the topics that would be offered and she explained she intended to offer courses covering the following topics: Property management, advertising, any type of fair housing issue, real contracts, business ethics, and dispute resolution, which are all acceptable course topics.
06.05.17	Mason McDuffie Mortgage Corp.	APPROVED	FACTS: Mason McDuffie Mortgage Corp., Jesse Rivera appeared by phone and explained that he used his experience as a former real estate agent and high school teacher as a way to build good relationships. Mr. Rivera also explained that he would be teaching the following topics during his classes: Real estate finance, contracts, advertising, how to manage brokers, and business ethics, which are acceptable course topics.
8.7.17	Real Estate Training Institute, a division of Certified Training Institution	APPROVED	FACTS: Real Estate Training Institute, a division of Certified Training Institution, Ms. Teri Francis and Jenny MacDowel appeared by phone and explained that CTI is a distance learning provider with a total of 16 real estate courses approved by ARELLO and cover the following topics: principal broker supervision responsibilities, agency relationships and responsibilities for broker, principal brokers, or property managers, disclosure requirements, consumer protection, real estate contracts, real estate taxation, fair housings laws or policy, business ethics, risk management, real estate finance, and environmental protections issues, which are acceptable course topics.
10.02.17	Housing and Community Services Agency of Lane County	APPROVED	Mr. Baker explained he is the landlord liaison at HACSA and is in charge of maintaining the line of communication with landlords. He also stated that HACSA manages the section 8 program for all of Lane County. Mr. Baker explained the courses he offers cover the following topics: fair housing laws and policies, risk management, & advertising regulations, which are acceptable course topics. Chair Edwards asked Mr. Baker if he was familiar with the recordkeeping requirements for continuing education providers. Mr. Baker responded based on the recordkeeping requirements HACSA intends to maintain records both electronically and paper. Farley: Have you been offering courses both and working under a provider? Baker-currently we are partnering with the rental owners association of Lane Co who is a licensed provider-the reason we are asking for our agency is basically not being able to offer classes to the public at large being able to only offer classes to members of the association as well as property managers having to pay for those credits-we want to offer those credits for free. Edwards: excellent resource in Lane County I appreciate your outreach efforts.
10.02.17	Lumos Academy	APPROVED	Ms. Mueller explained Lumos is designed to provide exemplary real estate education and our goal is really to do our best to raise the competency level of the brokers throughout the State-better educated broker is better for the client-currently we have 3 instructors. Ms. Mueller explained that the courses offered by Lumos cover the following course topics: principal real estate broker supervision responsibilities, agency relationship and responsibilities, misrepresentation in real estate transactions, advertising regulations, real estate disclosure requirements, real estate consumer protection, fair housing, business ethics, risk management, dispute resolution, real estate escrow, real estate economics, real estate law and regulations, and negotiation, which are considered acceptable course topics.
12.04.17	Jesse Rivera	APPROVED	Jesse Rivera appeared in person and explained that he has extensive experience as an instructor and the courses he currently offers include the following course topics: Contracts, compliance with social media, real estate finance, real estate valuation, & negotiation, which are considered acceptable course topics. Ms. Rathbone asked Mr. Rivera what other topics he would be offering and he responded that he planned on giving instruction on advertising.
12.04.17	Carl W. Salvo	APPROVED	Carl Salvo appeared by phone. Mr. Salvo explained that he had been in the industry since 1997 and has been asked by several industry members to teach classes. Chair Edwards asked Mr. Salvo if he was familiar with the record keeping requirements as a certified continuing education provider and he responded that he was familiar with the record keeping requirements. He also explained the courses he offered cover the following course topics: how rates are determined, loan estimation, & appraisals, which are acceptable

			course topics.
04.02.18	Stephanie Shapiro	APPROVED	<p>FACTS: Ms. Shapiro explained she has been involved in some capacity of teaching since 2007. She also explained she has been teaching home energy classes and would like to expand her courses. Chair Farley asked Ms. Shapiro if her company provided services to real estate brokers and Ms. Shapiro indicated that she does provide services to real estate industry. Ms. Shapiro has taught courses under the following topics: consumer protection, disclosure requirements, and real estate law/regulation, which are acceptable course topics.</p> <p>MOTION TO APPROVE MS. SHAPIRO'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE HAMILTON SECOND BY ALEX MACLEAN MOTION CARRIED BY UNANIMOUS VOTE</p>
04.02.18	Sirmon Training & Consulting Group – Jason Sirmon	APPROVED	<p>FACTS: Sirmon Training & Consulting Group, Jason Sirmon will appear by phone. Mr. Sirmon explained that his goal was to educate licensees about veterans who are currently on active duty or recently discharged. Chair Farley asked Mr. Sirmon if he was aware he could provide courses as an instructor rather than an continuing education provider and Mr. Sirmon responded that his reason for his petition was based on his approval in 20 different states as a provider and since he is not an instructor it is difficult to manage out of state instructors. Mr. Sirmon offers courses that cover the following topics: NC Mandaotry Update, NC Broker-in-Charge Update, REBAC-Green and Sustainable Housing, REBAC-Short Sales and Foreclosures, Client-Level Negotiation, Commercial and Investment Real Estate, and Ethics in Today's Real Estate, which are acceptable course topics.</p> <p>MOTION TO APPROVE SIRMON TRAINING & CONSULTING GROUP'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY CONI RATHBONE SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE</p>
6.4.18	Finance of America Mortgage	Approved	<p>FACTS: Finance of America Mortgage, Austin Strode will appear in person. Christina Danish appeared by phone and explained the petition was based on the company specializing in reverse mortgages. She also explained that the company is responsible for educating the real estate professionals about reverse mortgage/home equity mortgage process. Chair Farley asked Ms. Danish if she was aware that her company could provide education in Oregon as an instructor and Ms. Danish responded she was not aware of this process. Ms. Danish explained the courses FAR offers cover the following topics: reverse mortgage and finance, which are considered acceptable course topics.</p> <p>MOTION TO APPROVE FINANCE OF AMERICA MORTGAGE'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY PAT IHNAT SECOND BY DEBRA GISRIEL MOTION CARRIED BY UNANIMOUS VOTE</p>
10.8.18	Lumen Mortgage Corporation	APPROVED	<p>FACTS: Lumen Mortgage Corporation, David Blackmon will appear by phone. Mr. Blackmon explained that he was the President of Lumen Mortgage Corporation and his company partners with title and escrow companies to provide continuing education courses specific to condominium financing options as well as investment properties. He also explained that the courses offered include the following topics: Real estate finance; Condominiums; and Unit Owner Associations. Chair Farley asked Mr. Blackmon if the classes he offers are through another continuing education provider and Mr. Blackmon responded confirmed. Chair Farley inquired as to the length and level of experience in providing education. Mr. Blackmon explained he had been offering condominium for the last year and prior to that he provided education regarding condominium financing and unit owner association for 10 years. Dave Koch asked Mr. Blackmon what resources he draws in order to teach classes regarding condominium and unit owner associations and he responded that the structure of the courses is shaped through condominium financing eligibility. Debra Gisriel asked Mr. Blackmon if he was familiar with the record keeping requirements required for continuing education providers and confirmed he was familiar with these requirements.</p> <p>MOTION TO APPROVE LUMEN MORTGAGE CORPORATION'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE HAMILTON SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE</p>
10.8.18	HD home Inspections LLC	APPROVED	<p>HD home Inspections LLC, Russell Lucas will appear by phone. Mr. Lucas explained he provides education regarding building components and inspection issues and the acceptable course topic falls under Real estate property valuation, appraisal, or valuation and Real estate law or valuation. Pat Ihnat asked Mr. Lucas if he was familiar with the requirements involved in being a continuing</p>

			<p>education provider and he responded that he was familiar with the all requirements including recordkeeping. Dave Koch asked Mr. Lucas how many photos are involved in the inspections portion of the classes offered and Mr. Lucas responded he uses approximately 50 slides during his presentation. Jose Gonzalez asked Mr. Lucas to describe his interaction with first time buyers and Mr. Lucas explained that as an inspector he provides practical guidance and clarity for home buyers.</p> <p>MOTION TO APPROVE HD HOME INSPECTION'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY PAT IHNAT SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE</p>
10.8.18	Scott Harris	APPROVED	<p>Scott Harris will appear by phone. Mr. Harris explained he is a home inspector and engineer for many years. He also stated that he offers classes which include the following topics: Commercial real estate; Real estate property evaluation, appraisal, or valuation; Risk management; Real estate finance; Real estate development; and Real estate economics, which are all considered acceptable course topics. Mr. Koch asked Mr. Harris to give a brief profile of what the risk management course looked like and Mr. Harris responded this classes include information on how to find out about potential risks involved with properties. Mr. Koch also asked if Mr. Harris was aware of the recordkeeping requirements involved as a continuing education provider and Mr. Harris confirmed his awareness.</p> <p>DISCUSSION: Mr. Owens added that it is critical for licensees to consult with experts regarding home inspections.</p> <p>MOTION TO APPROVE SCOTT HARRIS'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE</p>
12.10.18	Julia Felsman	APPROVED	<p>Julia L. Felsman, Ms. Felsman explained she offers courses which include the following topics: Real estate taxation, real estate escrows, appraisals, real estate finance, RESPA, TILA, TRID, Condominium conversions, real estate investing, investment property analysis, economic trends, financial markets, and managing transactions, which are considered acceptable course topics. She also stated that she is very familiar with the record keeping requirements involved in being a continuing education provider.</p> <p>MOTION TO APPROVE JULIA FELSMAN'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY PAT IHNAT SECOND BY DAVE HAMILTON MOTION CARRIED BY UNANIMOUS VOTE</p>
12.10.18	Chris Jacobsen	CONTINUED	<p>Chris Jacobsen will appear by phone. Mr. Jacobsen explained offers courses that include the following topics: loan information, reverse mortgage, down payment assistance, home purchases, and rehabilitation loans. Chair Farley asked Mr. Jacobsen if he familiarized himself with the record keeping requirements associated with being a continuing education provider and Mr. Jacobsen responded that he had not reviewed the requirements. Lawnae Hunter suggested that Mr. Jacobsen's petition be revisited at the next board meeting. Chair Farley also recommended that Mr. Jacobsen's petition be continued to the 2.4.19 meeting agenda to allow him to review ORS Chapter 696 and OAR Chapter 863 regarding continuing education provider requirements.</p>
12.10.18	Paul Davis	APPROVED	<p>Paul Davis, Julie Peck will appear by phone. Ms. Peck explained she offers courses that include the following topics: property management, risk management, and commercial real estate, which are considered acceptable course topics. Chair Farley asked Ms. Peck if she was with the record keeping requirements associated with being a continuing education provider and she responded that she was very familiar with the requirements.</p> <p>MOTION TO APPROVE PAUL DAVIS'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY LAWNAE HUNTER SECOND BY DAVE KOCH MOTION CARRIED BY UNANIMOUS VOTE</p>
02.04.19	Matt Fellman	APPROVED	<p>Matt Fellman.. Mr. Fellman appeared before the board and explained that he offers the following topics in his classes: Consumer Protection, Real Estate Contracts, and Dispute Resolution, which are all considered acceptable course topics.</p> <p>MOTION TO APPROVED MATT FELLMAN'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH SECOND BY PAT IHNAT MOTION PASSED BY UNANIMOUS VOTE</p>
02.04.19	Chris Jacobsen	APPROVED	<p>Chris Jacobsen continued from 12.10.18 board meeting to allow Mr. Jacobsen to research ORS Chapter 696 and OAR Chapter 863 regarding CEP responsibilities. Mr. Jacobsen appeared by phone and explained that he had reviewed the rules and laws regarding provider responsibilities. DISCUSSION: Dave Hamilton stated that the board needed to be more selective in approving continuing</p>

			<p>education provider petitions. Debra Gisriel indicated she was not able to find a reason to deny Mr. Jacobsen's petition. Mr. Owens clarified that as industry practitioners, the board uses their knowledge and discretion to make these decisions.</p> <p>MOTION TO APPROVE CHRIS JACOBSEN'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH SECOND BY DEBRA GISRIEL MOTION CARRIED BY SEVEN AYES (JEF FARLEY, DEBRA GISRIEL, SUSAN GLEN, JOSE GONZALEZ, DAVE KOCH, PAT IHNAT, AND ALEX MACLEAN) AND ONE NAY (DAVE HAMILTON)</p>
02.04.19	Kathy Kemper-Zanck	APPROVED	<p>Kathy Kemper-Zanck. Ms. Kemper-Zanck appeared by phone and explained she had 11 years of experience as a mortgage broker and 3 as an educator. She also explained the primary course she offers covers the topic of Real Estate Finance, which is considered an acceptable course topic. Ms. Kemper indicated she could provide education on the following topics in the future: Advertising Regulations, Real Estate Contracts, Real Estate Property Evaluation, Appraisal or Valuation, Real Estate Title, Real Estate Escrows, and Condominiums, which are all considered acceptable course topics.</p> <p>MOTION TO APPROVE KATHY KEMPER-ZANCK'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH SECOND BY ALEX MACLEAN MOTION CARRIED BY UNANIMOUS VOTE</p>
6.3.19	Old Republic Exchange Company, Ashley Stefan	APROVED	<p>Ashley Stefan appeared by phone. Pat Ihnat commented on Old Republic Title Company being a sister company in Portland Metro area. Dave Koch asked since it is an exchange company would classes be exchange-related. Ihnat asked who the instructor is, if they are an employee of the exchange company, and if classes would be live. Susan Glen asked about other classes and if they would offer classes besides 1031 exchange courses. DISCUSSION: Debra Gisriel asked question about criteria for approval. Jef Farley responded it changes depending on board members, explained history and considerations. Gisriel commented historically seem market driven. Pat Ihnat said if course quality poor, brokers will say so. Lawnae Hunter said she wrestled with this also. Agrees with Ihnat that it is self-regulating. Steve Strobe commented we approve providers, not instructors. Will convene continuing education workgroup later this year. Hunter said wants to be on workgroup and commented on other states requirements. Commented on requirement to be timed online for CE. Strobe said good conversations to have at workgroup. Jose Gonzalez commented if someone calls his office to teach, can tell right away if it is for marketing. Asked to keep in mind availability for small office. Dave Koch said he inquires whether applicants understand record keeping requirements and if instructor is qualified. Ihnat said live instruction is so much better.</p> <p>MOTION TO APPROVE OLD REPUBLIC EXCHANGE COMPANY'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE KOCH SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE</p>



PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER

Rev. 1/2017

INSTRUCTIONS

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

IMPORTANT:

- ▶ If the petitioner is an entity, the information provided must pertain to that entity. If the petitioner is an individual, the information provided must pertain to that individual.
- ▶ All information and documents submitted as part of this petition become part of the Board Packet, and therefore, public record.
- ▶ Petitioners will need to appear before the Board. This may be done in person or by phone. Once the Agency receives this completed petition, a letter will be sent to the petitioner with the date of the Board meeting the petitioner will need to attend.

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

PETITIONER

Name Nonprofit Home Inspections Phone Number 503-505-7879

Physical Address 2420 NE Sandy Blvd #28 Address Cont. _____

City Portland State OR Zip Code 97232 County Multnomah

E-mail info@nonprofithomeinspections.org

Mailing Address (if different) _____ Address Cont. _____

City _____ State Zip Code _____ County _____

AUTHORIZED CONTACT PERSON

Prefix Mr. First Name Charles Last Name Lewis

Phone Number 503-505-7879 E-mail info@nonprofithomeinspections.org

Indicate who will appear before the board on behalf of the Petitioner: Charles Lewis - President & CEO of Nonprofit Home Inspections

AGENCY USE ONLY

Approved by Board YES NO

Review Date _____

To the Real Estate Board,

Nonprofit Home Inspections petitions the Board to qualify as a Certified Continuing Education Provider for Real Estate Licensing in Oregon.

Nonprofit Home Inspections is a nonprofit 501(c)(3) organization dedicated to empowering individuals to make safe, financially sound, and environmentally friendly housing decisions. In addition to being a Home Inspection Organization, Nonprofit Home Inspections (NHI) is an educational institution with a mission of educating Home Inspectors, Consumers, and Realtors. As one of the largest inspection organizations in Oregon and Washington, we work with a very large number of Realtors, helping to educate them as part of our home inspection process. Our goal is to provide this education in a more formal in-person and online classroom setting.

Nonprofit Home Inspections is certified and approved by multiple State and Federal agencies as an education provider. We are approved by the Oregon Construction Contractors Board as a Home Inspector Education Provider. NHI is approved by the Washington State Home Inspectors Board to provide the in-class 120-hour Fundamentals of Home Inspection Course and field training. Nonprofit Home Inspections is an Education Provider (#389459) for the Washington State Department of Labor & Industries and the Washington State Employment Security Department. We have been approved by the Veteran's Administration to accept the GI Bill and other Veteran Benefits.

Nonprofit Home Inspections has a strong background in education, both as an organization and as individual inspectors in the organization. Charles Lewis is the President and CEO of Nonprofit Home Inspections and will provide Realtor education in the Greater Portland Metro Area. Charles holds a master's degree from Harvard University's Kennedy School of Government. Before founding Nonprofit Home Inspections, Charles created Ethos, a nonprofit that became the largest music school in Oregon. As part of Ethos, Charles established over 150 after school music education programs in schools and community centers throughout Oregon. As part of NHI's education mission, Charles has established one of the most successful home inspection schools in Washington. Graduates of the Nonprofit Home Inspections Inspector School have one of the industry-leading pass-rates on the very challenging national home inspector exam. Charles develops the courses and curriculum for the school and is one of the main instructors.

The inspector who will be providing Realtor education in the Salem / Eugene area, Teman Montgomery, holds a Masters of Science in Science Education. Teman held teaching certificates for secondary science instruction in Oregon, California, and Washington, and taught in all three states. As a secondary science teacher, Teman served as a Master Teacher, mentoring and supervising student teachers. Since 2011 Teman has been a motorcycle safety instructor for the Team Oregon Motorcycle Safety Program of Oregon State University conducting classroom and riding range courses and administering tests required to obtain a motorcycle endorsement from the Oregon DMV.

As a Home Inspection Organization, we are uniquely qualified to teach courses on “Real Estate Property Evaluation, Appraisal, or Valuation” and “Environmental Protection Issues in Real Estate” as found in OAR 863-020-0035.

As a Home Inspection Organization, we evaluate more than one thousand real estate properties a year as part of the home inspection process. Several of our inspectors are Certified Master Inspectors® and most hold building inspection licenses and certifications that far exceed minimum Oregon State Home Inspector standards. Our home inspections are industry-leading in both accuracy and thoroughness. We are extremely skilled at real estate property evaluation and are highly experienced in teaching other professionals the principles and methodology of this process.

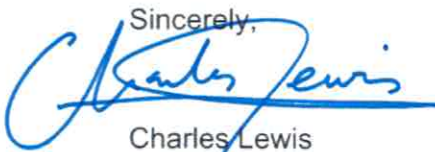
We are uniquely qualified to teach courses on Environmental Issues in Real Estate as an organization that provides Radon Testing, Heating Oil Tank Searches / Soil Sampling, and Home Energy Score Assessments. Our employees are Certified Radon Technicians with experience and knowledge in Radon testing and mitigation. We test for radon and analyze radon testing results on a daily basis.

Nonprofit Home Inspections provides Oil Tank Searches and Soil Sampling in Oregon. We are an Oregon DEQ Heating Oil Tank Program Licensed Service Provider (License No: 27359). This means we are licensed by the DEQ to perform heating oil tank services (site assessment, decommissioning, and cleanup). One of our inspectors, Russ Motyko, is a licensed Oregon Heating Oil Tank Supervisor which means that he is one of the few people in the state who has passed the state exam and is qualified to supervise heating oil tank services.

NHI provides Home Energy Score Assessments in Portland as part of The City of Portland Home Energy Score ordinance. This means that we are trained and certified by the U.S. Department of Energy and the City of Portland to assess the energy use of homes as it relates to the home’s carbon footprint and CO2 emissions.

We are grateful for your consideration of our petition to qualify as a Certified Continuing Education Provider. Nonprofit Home Inspections is uniquely qualified and positioned in the industry to provide Real Estate Continuing Education in the areas of “Real Estate Property Evaluation, Appraisal, or Valuation” and “Environmental Protection Issues in Real Estate.” With your approval of our petition, we will be able to bring our experience, knowledge, and insight to the Real Estate community in the form of Continuing Education courses.

Sincerely,



Charles Lewis
President & CEO
Nonprofit Home Inspections



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

Rev. 1/2017

Real Estate Agency
530 Center St. NE Ste. 100
Salem OR 97301
Phone: (503) 378-4170

INSTRUCTIONS

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

PETITIONER

Name Andrew Varcak Phone Number 5037302222

Physical Address 4000 Kruse Way Pl Address Cont. 3-120

City Lake Oswego State OR Zip Code 97035 County Clackamas

E-mail andyvarcak@gmail.com

Mailing Address (if different) _____ Address Cont. _____

City _____ State _____ Zip Code _____ County _____

AUTHORIZED CONTACT PERSON

Prefix _____ First Name Andrew Last Name Varcak

Phone Number 5037302222 E-mail andyvarcak@gmail.com

Indicate who will appear before the board on behalf of the Petitioner: Andrew Varcak

AGENCY USE ONLY

Approved by Board YES NO

Review Date _____

August 15, 2019

Dear Madeline Alvarado & Board Coordinator,

Below is a list of my relevant experience as it pertains to becoming a Continuing Education Provider:

- 100+ hours teaching first time home buyer courses
- 500+ hours teaching loan officer education courses
- 4 yr BS Degree in Business Administration from the University of Oregon
- 15+ years of experience in the mortgage industry as Mortgage Loan Originator, Branch Manager, Area Manager and President of an Independent Mortgage Brokerage

I am looking forward to speaking to the Board about my approval decision. If you require any additional information or clarification, please do not hesitate to contact me directly.

Respectfully,



Andrew Varcak
President
NMLS ID 418900
503-730-2222



Regarding the qualifications outlined in 863-020-0025

(b) Sufficient information about the petitioner named in the application to allow the Board to determine whether the petitioner qualifies for certification, including specifics about one or both of the following:

(A) Petitioner's demonstrated expertise and experience in providing educational courses to real estate licensees – **I have provided CE to real estate licensees under Envoy's ID 201221630 since 2017**

(B) Petitioner's demonstrated experience and expertise in at least two course topics eligible for continuing education credit under OAR 863-020-0035(4)(a)–(gg). – **I have experience in the following topics eligible for CE credit**

Real estate property evaluation, appraisal, or valuation.

Real estate finance.

Regards,

Andrew Varcak





PETITION TO QUALIFY AS A
CONTINUING EDUCATION PROVIDER

Rev. 1/2017

Real Estate Agency
530 Center St. NE Ste. 100
Salem OR 97301
Phone: (503) 378-4170

INSTRUCTIONS

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

PETITIONER

Name Green Training USA Phone Number 1-800-518-1877

Physical Address 7641 Huntmaster Lane Address Cont. _____

City McLean State VA Zip Code 22102 County Fairfox

E-mail training@greentrainingusa.com

Mailing Address (if different) PO BOX 4215 Address Cont. _____

City West McLean State VA Zip Code 22103 County Fairfox

AUTHORIZED CONTACT PERSON

Prefix Ms First Name Kelly Last Name Caplenas

Phone Number 678-381-8513 E-mail kellyc@greentrainingusa.com

Indicate who will appear before the board on behalf of the Petitioner: Kelly Caplenas

AGENCY USE ONLY

Approved by Board YES NO



Review Date _____

PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued

QUALIFICATION INFORMATION

Provide below sufficient information about the petitioner to allow the Board to determine whether the petitioner qualifies for certification. **If the petitioner is an entity, the information provided must pertain to that entity. If the petitioner is an individual, the information provided must pertain to that individual.**

Information **MUST** include one or both of the following:

-  Petitioner's demonstrated expertise and experience in providing educational courses to real estate licensees.
-  Petitioner's demonstrated experience and expertise in two or more course topics eligible for continuing education credit under OAR 863-020-0035.

You may attach up to **three (3)** additional pages if necessary.

Please check attachment "GTUSA Letter."

Our courses cover the following topics:





- Real estate property evaluation, appraisal, or valuation.
- Environmental protection issues in real estate.

Since home buyers are now more concerned about energy efficiency, realtors need to provide them with information that is credible and easy to understand. Real estate professionals can be the bridge between buyers and the energy information they want. Our online courses can provide realtors the tools that can accurately appraise the value of homes based on improved energy performance and building science. Our courses will teach real estate professionals about Home Energy Score. They will help the realtors understand the energy performance of homes and the principles of home building science.

Our courses are:

- BPI Building Science Principles, check attachment for course description
- Understanding Energy Efficiency in Real Estate, check attachment for course description

AUTHORIZATION AND ATTESTATION

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

Kelly Caplenas

Date 08/29/2019

Printed Name of Authorized Individual

Kelly Caplenas
Signature of Authorized Individual



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

Rev. 1/2017

Real Estate Agency
530 Center St. NE Ste. 100
Salem OR 97301
Phone: (503) 378-4170

INSTRUCTIONS

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

PETITIONER

Name Oregon State Credit Union Phone Number 541-714-4000

Physical Address 4800 SW Research Way Address Cont. _____

City Corvallis State OR Zip Code 97333 County Benton

E-mail ltaylor@oregonstatecu.com

Mailing Address (if different) P.O. Box 306 Address Cont. _____

City Corvallis State OR Zip Code 97339 County Benton

AUTHORIZED CONTACT PERSON

Prefix Mrs. First Name Lyndora Last Name Taylor

Phone Number 541-714-4035 E-mail ltaylor@oregonstatecu.com

Indicate who will appear before the board on behalf of the Petitioner: Lyndora Taylor

AGENCY USE ONLY

Approved by Board YES NO

Review Date _____

PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued

QUALIFICATION INFORMATION

Provide below sufficient information about the petitioner to allow the Board to determine whether the petitioner qualifies for certification. **If the petitioner is an entity, the information provided must pertain to that entity. If the petitioner is an individual, the information provided must pertain to that individual.**

Information **MUST** include one or both of the following:

- ▶ Petitioner's demonstrated expertise and experience in providing educational courses to real estate licensees.
- ▶ Petitioner's demonstrated experience and expertise in two or more course topics eligible for continuing education credit under OAR 863-020-0035.

You may attach up to **three (3)** additional pages if necessary.

Oregon State Credit Union is continuously involved in providing community education. Education is one of Oregon State Credit Union's Core Values. "Oregon State Credit Union encourages advocacy for the credit union movement, promotes financial literacy for its members and provides education for its team." Oregon State Credit Union's history of conducting these types of events is greater than 15 years. The events include on-site, remote and third party associations. These include but are not limited to, multiple real estate finance courses for Oregon State Credit Union members and the community at large. For example, "How to Win at the Home Buying Game" which is a class conducted for borrowers looking to purchase a home and, the "ABCs of Home -buying" in conjunction with various local Housing Assistance Agencies. Oregon State Credit Union also collaborates with specific Real Estate Offices to conduct combined classes for homeownership. Oregon State Credit Union also has a Community Education Program providing on-going education for various entities throughout the State of Oregon. Topics to be covered offer a broad range of understanding to licensees covering Real Estate Finance and meet the requirements of OAR 863-020-0035 such as: Real Estate Property Evaluation, appraisal, or valuation; Real Estate Finance and all aspects thereof.

Thank you in advance for your consideration.

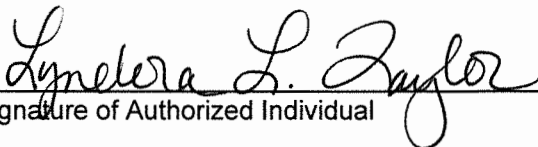
AUTHORIZATION AND ATTESTATION

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

Lyndora L. Taylor

Date September 11, 2019

Printed Name of Authorized Individual


Signature of Authorized Individual



Oregon

Kate Brown, Governor

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 Special Board Meeting Agenda

Monday, August 4, 2019

Best Western Plus Hood River Inn
1108 E. Marina Way
Hood River, OR 97031

COMMITTEE MEMBERS PRESENT: Jef Farley, Chair
Pat Ihnat
Susan Glen
Debra Gisriel
Dave Hamilton

OREA STAFF PRESENT: Steve Strode, Commissioner
Anna Higley, Deputy Commissioner – Administration
Selina Barnes, Deputy Commissioner – Regulations
Madeline Alvarado, Customer Service Manager

I. LARRC COMMITTEE MEETING – Chair Farley

- A. Call to Order
- B. Comments/Chair Farley
- C. Discussion/review of bills to be required, optional, or not included as course topics

II. ANNOUNCEMENTS – Chair Farley. Next board meeting: 8.5.19 at the Best Western Plus Hood River Inn, 1108 E. Marina Way, Hood River, OR, to begin at 10am.

III. ADJOURNMENT – Chair Farley

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



Oregon

Kate Brown, Governor

Real Estate Agency

530 Center St. NE, Suite 100

Salem, Oregon 97301-2505

Phone: (503) 378-4170

Regulations Fax: (503) 373-7153

Admin. Fax: (503) 378-2491

www.oregon.gov/rea

OREGON REAL ESTATE BOARD

Special Board Meeting Minutes Best Western Plus Hood River Inn 1108 E. Marina Way Hood River, OR 97031

Sunday, August 4, 2019

BOARD MEMBERS PRESENT: Jef Farley, Chair
Debra Gisriel
Susan Glen
Dave Hamilton
Pat Ihnat

OREA STAFF PRESENT: Steve Strode, Commissioner
Anna Higley, Deputy Commissioner
Selina Barnes, Deputy Commissioner
Maddy Alvarado, Customer Service Manager

I. LARRC Committee - Commissioner Strode

- A. Call to Order. Commissioner Strode called the meeting to order and explained the purpose of the meeting would be to determine which course topics will be required, optional, or not included in the Law and Rule Required Course. He also stated that a board member from the committee would be selected as the spokesperson to report results of the meeting to the full board at the regular board meeting on 8.5.19. Chair Farley began the individual review of each course topic as follows:
- **HB 2001 (REQUIRED):** Requires cities with populations greater than 10,000, or within Metro, to allow duplexes inlands zoned for single-family dwellings within urban growth boundary.
 - **HB 2002 (OPTIONAL):** Requires property owner subject to affordability restriction to provide more notice to Housing and Community Services Department and local governments before restrictions expire.
 - **HB 2006 (OPTIONAL):** 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.
 - **HB 2106 (OPTIONAL):** Allows dog training classes to be conducted in farm buildings existing on January 1, 2019, within counties that adopted marginal lands provisions.
 - **HB 2118 (OPTIONAL):** Standardizes use of consumer price index for purposes of indexing values and statutes in session law.
 - **HB 2225 (OPTIONAL):** Defines “center of the subject tract” for siting certain permissible forest dwellings.
 - **HB 2275 (NOT INCLUDED):** Adds certain individuals to list a person’s exempt from real estate licensing law
 - **HB 2285 (OPTIONAL):** Clarifies receivership proceedings and reporting and notice requirements for residential properties that city or county determines are a threat to public health, safety or welfare.
 - **HB 2306 (OPTIONAL):** Requires city or county to issue residential building permits upon substantial completion of construction of public improvements in residential subdivisions.
 - **HB 2312 (REQUIRED):** Requires seller disclosure form to include warning regarding flood insurance.
 - **HB 2336 (NOT INCLUDED):** Removing population requirement for affordable housing pilot program if no qualifying nomination is received for city with population under 25,000.
 - **HB 2423 (NOT INCLUDED):** Adopts Small Home Specialty Code to regulate construction of homes not more than 400 square feet in size.
 - **HB 2425 (OPTIONAL):** Allows county clerk to record electronic record or record bearing electronic signature and to charge for electronic delivery of copies of records.
 - **HB 2459 (OPTIONAL):** 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.
 - **HB 2466 (OPTIONAL):** Requires certain homeowners associations and all condominium unit owners associations to carry fidelity bond coverage, unless owners and board have elected otherwise in the preceeding year.

- **HB 2469 (OPTIONAL):** 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.
- **HB 2485 (OPTIONAL):** Establishes procedures for adoption of restated declaration, restated assignment of use of limited common elements and restated bylaws by condominium association.
- **HB 2486 (OPTIONAL):** Allows Real Estate Agency to electronically facilitate condominium reporting process.
- **HB 2530 (OPTIONAL):** 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.
- **HB 2997 (OPTIONAL):** Requires cities and counties to exempt certain CCRCs from requirements to include affordable housing within development.
- **HB 3024 (OPTIONAL):** 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.
- **HB 3450 (NOT INCLUDED):** Allow city above population greater than 75,000 not within metropolitan service district to adopt changes to its comprehensive plan and land use regulations authorizing mixed-use housing within up to 40 acres of lands zoned for employment uses.
- **SB 262 (OPTIONAL):** Extends sunset for property tax exemption for multiple-unit housing.
- **SB 369 (OPTIONAL):** 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.
- **SB 408 (NOT INCLUDED):** Allows county to approve certain divisions of land zoned for exclusive farm use for purposes of siting utility facilities necessary for public service.
- **SB 454 (REQUIRED):** Transfers administration of Uniform Disposition of Unclaimed Property Act, unclaimed estates and escheating funds from Department of State Land to State Treasurer.
- **SB 484 (OPTIONAL):** Limits landlord to single applicant screening charge per 60-day period, per applicant applying to rent multiple dwelling units owned or managed by landlord.
- **SB 534 (REQUIRED):** Requires local governments to allow single family dwellings within urban growth boundary of city with population greater than 25,000 in residential lots platted and zoned for such uses.
- **SB 608 (REQUIRED):** Prohibits landlord from terminating month-to-month tenancy without cause after 12 months of occupancy.
- **SB 873 (OPTIONAL):** Allows defendant in eviction action to apply for order setting aside judgment.
- **SB 970 (OPTIONAL):** Limits applicable screening criteria for residential landlords.

Ms. Alvarado outlined the process involved in developing learning objectives for the required course topics and the committee began the draft process. Board member Susan Glen was chosen as the spokesperson to report LARRC committee meeting findings to the full board at the board meeting on Monday, August 5, 2019.

II. ANNOUNCEMENTS – Chair Farley. Next board meeting: 8.5.19 at Best Western Plus Hood River Inn, 1108 E. Marina Way, Hood River, OR 97031 to begin at 10am.

III. ADJOURNMENT

Respectfully submitted,

Respectfully submitted,

STEVE STRODE, COMMISSIONER

JEF FARLEY, BOARD CHAIR

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.

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 in 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 1) education and examination for brokers, principal brokers and property managers; 2) licensing and regulation of real estate principal brokers, brokers, property managers and escrow and escrow agents; 3) regulation of condominiums, timeshare and campground registrations, real estate marketing organizations, out of state subdivisions, certain manufactured dwelling subdivisions; and 4) investigation of complaints against licensees and escrow agents, and 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.

80th OREGON LEGISLATIVE ASSEMBLY--2019 Regular Session

Enrolled
Senate Bill 855

Sponsored by Senator DEMBROW; Senators MANNING JR, STEINER HAYWARD, Representatives HERNANDEZ, KENY-GUYER, PILUSO, SOLLMAN, WILLIAMSON

CHAPTER

AN ACT

Relating to professional practice authorizations; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) "Occupational or professional service" means a service:

(A) That an individual must possess a license, certificate or other form of authorization to provide under the laws of this state; and

(B) Over which a professional licensing board has regulatory oversight.

(b) "Professional licensing board" means a state agency or board that licenses, certifies or otherwise authorizes individuals to provide an occupational or professional service.

(2) Each professional licensing board shall study the manner in which persons who are immigrants or refugees become licensed, certified or otherwise authorized in the occupational or professional service regulated by the professional licensing board. Each professional licensing board shall develop and implement methods to reduce barriers to licensure, certification or other authorization for applicants who may be immigrants or refugees.

(3) A professional licensing board may adopt rules to carry out the provisions of this section.

SECTION 2. A professional licensing board, as defined in section 1 of this 2019 Act, shall report to the Legislative Assembly in the manner provided in ORS 192.245 on the professional licensing board's progress in meeting the requirements of section 1 of this 2019 Act not later than November 30, 2019.

SECTION 3. (1) Section 1 of this 2019 Act becomes operative on July 1, 2020.

(2) A professional licensing board may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the board to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the board by section 1 of this 2019 Act.

SECTION 4. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by Senate May 21, 2019

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House June 11, 2019

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

.....
Bev Clarno, Secretary of State

Enrolled
Senate Bill 688

Sponsored by COMMITTEE ON VETERANS AND EMERGENCY PREPAREDNESS

CHAPTER

AN ACT

Relating to professional authorizations; creating new provisions; and amending section 1, chapter 142, Oregon Laws 2019 (Enrolled House Bill 3030).

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) "Professional licensing board" has the meaning given that term in section 1, chapter 142, Oregon Laws 2019 (Enrolled House Bill 3030).

(b) "Temporary authorization" means an authorization issued under section 1, chapter 142, Oregon Laws 2019 (Enrolled House Bill 3030).

(2) Not later than December 31 of each year, a professional licensing board shall report, in the manner provided in ORS 192.245, to an interim committee of the Legislative Assembly related to veterans on the following information:

(a) The number of temporary authorizations issued to spouses or domestic partners of members of the Armed Forces of the United States who are stationed in this state;

(b) The number of applications for temporary authorization received by the professional licensing board for which the professional licensing board did not issue temporary authorizations, and the reasons for which the temporary authorizations were not issued;

(c) The amount of time used to process and issue the temporary authorizations;

(d) The professional licensing board's efforts to implement and maintain a process to issue temporary authorizations; and

(e) Any other information relevant to the professional licensing board's efforts to assist spouses or domestic partners of members of the Armed Forces of the United States who are stationed in this state with obtaining temporary authorization.

SECTION 2. Section 1, chapter 142, Oregon Laws 2019 (Enrolled House Bill 3030), is amended to read:

Sec. 1. (1) As used in this section:

(a) "Occupational or professional service" means a service:

(A) For which an individual must possess a license, certificate or other form of authorization to provide under the laws of this state; and

(B) Over which a professional licensing board has regulatory oversight.

(b) "Professional licensing board" means a state agency or board that licenses, certifies or otherwise authorizes individuals to provide an occupational or professional service.

(2) A professional licensing board *[may]* shall issue a temporary authorization to provide the occupational or professional service regulated by the professional licensing board to a person who:

(a) Is the spouse of a member of the Armed Forces of the United States who is stationed in this state;

(b) Holds a current authorization to provide the occupational or professional service issued by another state and the professional licensing board determines that the other state's authorization requirements are substantially similar to those of the professional licensing board;

(c) Provides to the professional licensing board, in a manner determined by the professional licensing board, sufficient proof that the person is in good standing with the issuing out-of-state professional licensing board; and

(d) Has demonstrated competency, as determined by the professional licensing board by rule, over the occupational or professional service regulated by the professional licensing board.

(3)(a) A temporary authorization issued under this section is valid until the earliest of the following:

(A) Two years after the date of issuance;

(B) The date the spouse of the person to whom the authorization was issued completes the spouse's term of service in this state; or

(C) The date the person's authorization issued by another state expires.

(b) An authorization issued under this section is not renewable. A person may not continue to provide the occupational or professional service unless the person is issued a full authorization under the laws of this state to provide the occupational or professional service.

(4) A professional licensing board may adopt rules to carry out the provisions of this section.

Passed by Senate April 4, 2019

Received by Governor:

Repassed by Senate June 30, 2019

.....M.,....., 2019

Approved:

.....
Lori L. Brocker, Secretary of Senate

.....M.,....., 2019

.....
Peter Courtney, President of Senate

.....
Kate Brown, Governor

Passed by House June 4, 2019

Filed in Office of Secretary of State:

Repassed by House June 30, 2019

.....M.,....., 2019

.....
Tina Kotek, Speaker of House

.....
Bev Clarno, Secretary of State

CONFERENCE COMMITTEE AMENDMENTS TO A-ENGROSSED SENATE BILL 688

June 29

Amended Summary

Directs professional licensing board to annually report to interim committee of Legislative Assembly related to veterans information about temporary authorizations to practice occupational or professional service for spouses or domestic partners of members of Armed Forces of United States who are stationed in this state. **Requires professional licensing board to issue temporary authorization to qualified individual.**

President Courtney:

Your Conference Committee to whom was referred A-engrossed Senate Bill 688, having had the same under consideration, respectfully reports it back with the recommendation that the Senate concur in the House amendments dated May 30 and that the bill be amended as follows and re-passed.

1 In line 2 of the printed A-engrossed bill, after "authorizations" insert "; creating new provisions;
2 and amending section 1, chapter 142, Oregon Laws 2019 (Enrolled House Bill 3030)".

3 Delete lines 5 through 10 and insert:

4 "(a) 'Professional licensing board' has the meaning given that term in section 1, chapter 142,
5 Oregon Laws 2019 (Enrolled House Bill 3030).

6 "(b) 'Temporary authorization' means an authorization issued under section 1, chapter 142,
7 Oregon Laws 2019 (House Bill 3030)".

8 After line 24, insert:

9 "**SECTION 2.** Section 1, chapter 142, Oregon Laws 2019 (Enrolled House Bill 3030), is amended
10 to read:

11 "**Sec. 1.** (1) As used in this section:

12 "(a) 'Occupational or professional service' means a service:

13 "(A) For which an individual must possess a license, certificate or other form of authorization
14 to provide under the laws of this state; and

15 "(B) Over which a professional licensing board has regulatory oversight.

16 "(b) 'Professional licensing board' means a state agency or board that licenses, certifies or oth-
17 erwise authorizes individuals to provide an occupational or professional service.

18 "(2) A professional licensing board [*may*] **shall** issue a temporary authorization to provide the
19 occupational or professional service regulated by the professional licensing board to a person who:

20 "(a) Is the spouse of a member of the Armed Forces of the United States who is stationed in this
21 state;

22 "(b) Holds a current authorization to provide the occupational or professional service issued by
23 another state and the professional licensing board determines that the other state's authorization
24 requirements are substantially similar to those of the professional licensing board;

25 "(c) Provides to the professional licensing board, in a manner determined by the professional

1 licensing board, sufficient proof that the person is in good standing with the issuing out-of-state
2 professional licensing board; and

3 “(d) Has demonstrated competency, as determined by the professional licensing board by rule,
4 over the occupational or professional service regulated by the professional licensing board.

5 “(3)(a) A temporary authorization issued under this section is valid until the earliest of the fol-
6 lowing:

7 “(A) Two years after the date of issuance;

8 “(B) The date the spouse of the person to whom the authorization was issued completes the
9 spouse’s term of service in this state; or

10 “(C) The date the person’s authorization issued by another state expires.

11 “(b) An authorization issued under this section is not renewable. A person may not continue to
12 provide the occupational or professional service unless the person is issued a full authorization un-
13 der the laws of this state to provide the occupational or professional service.

14 “(4) A professional licensing board may adopt rules to carry out the provisions of this
15 section.”.

16 /s/ Alan Olsen
17 Senator

18 /s/ Brian Boquist
19 Senator

20 /s/ Laurie Monnes Anderson
21 Senator

22 /s/ Paul Evans
23 Representative

24 /s/ Marty Wilde
25 Representative

26 /s/ Jack Zika
27 Representative
28
29

**REAL ESTATE BOARD
REGULATION DIVISION REPORT
October 7, 2019**

Deputy Commissioner: Selina Barnes
Compliance Specialists 3 (Compliance Coordinator): Deanna Hewitt, Rob Pierce
Financial Investigators (Investigator-Auditor): Jeremy Brooks, Aaron Grimes,
 Liz Hayes, Meghan Lewis, Lisa Montellano, Lindsey Nunes, 2 Vacancies
Compliance Specialist 2: Carolyn Kalb
Compliance Specialists 1: Denise Lewis, Vacant
Administrative Specialist: Vacant

Division Overview

The Regulation Division receives complaints and determines validity and assignment for investigation. Investigators gather facts (from interviews and documents), prepare a detailed written report and submit to the Manager for review. The Manager determines whether the evidence supports charging a person with a violation of Agency statutes or administrative rules, as well the appropriate resolution. The Manager conducts settlement conferences to resolve cases without a contested case hearing. If a hearing is requested, the investigator works with the Assistant Attorney General in preparing for and presenting the case at hearing.

The Compliance Specialists are responsible for conducting: clients' trust accounts (CTA) mail-in reviews, expired activity investigations, and background check investigations. They also respond to inquiries regarding regulations and filing complaints from the public, licensees, and other governmental agencies.

Workload and Activity Indicators

<u>Average # in this Status at the time</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>Current 9/25/19</u>
Complaint	40	44	33	25	20	20
Pending Assignment	3	4	24	16	26	39
Investigation	47	52	49	50	38	48
PENDING & INVESTIGATION	50	56	73	66	64	87
<i>(# of Investigators)</i>	6	7	7	7	7*	6
Admin Review	27	33	28	40	35	79

* One investigator on medical leave.

The recruitment for two Investigator/Auditor positions has been completed. Cidia Nañez and Benjamin McBride will start with the Agency on October 1, 2019.

Selina Barnes will present "ATTENTION: Violation Prevention" following this board meeting.

Division Training/Conference Attendance

Association of Real Estate License Law Officials (ARELLO) Annual Conference

Denver, CO, September 17-21, 2019

Selina Barnes

Financial Crimes & Digital Evidence Conference

Salem, OR, September 17-19, 2019

Jeremy Brooks, Aaron Grimes, Lisa Montellano, and Rob Pierce

ARELLO Investigator Workshop

Oklahoma City, OK, October 22-24, 2019

Selina Barnes, Liz Hayes and Deanna Hewitt.

AG Public Law Conference

Salem, OR, October 22-23, 2019

Carolyn Kalb

AG Elder Abuse Conference

Gleneden Beach, OR, October 28-30, 2019

Lindsey Nunes

National Certified Investigator Training (NCIT) Basic Certification Program

Sacramento, CA, November 12-14, 2019

Jeremy Brooks and Meghan Lewis

ADMINISTRATIVE ACTIONS for OREA Board
7/20/2019 through 9/17/2019
(corresponding orders are attached)

Revocations

Williams, Teresa L, Property Manager, Final Order By Default dated September 17, 2019, issuing a revocation.

Suspensions

None

Reprimands

Booke, Terry G, Principal Broker, Stipulated Order dated August 29, 2019, issuing a reprimand with education.

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

Allen, Elyse, unlicensed, Stipulated Order dated July 23, 2019, levying a \$250.00 civil penalty for unlicensed activity.

1
2 REAL ESTATE AGENCY
3 BEFORE THE REAL ESTATE COMMISSIONER

4 In the Matter of the Real Estate License of

5
6 TERESA L. WILLIAMS

7 }
8 } FINAL ORDER BY DEFAULT
9 }

10
11 **PROCEDURAL HISTORY**

12 1.

13 1.1 On May 24, 2019, the Real Estate Commissioner issued, by certified mail, a
14 Notice Of Intent To Revoke Teresa L. Williams' (Williams) property manager license. The
15 Oregon Real Estate Agency (Agency) sent the Notice Of Intent to Williams' last known address
16 of record with the Agency (201 E Main St., Rogue River, OR 97537). The Notice Of Intent was
17 also mailed to Williams by regular first class mail in a handwritten envelope. Neither mailings
18 of the Notice Of Intent were returned to the Agency. The Notice Of Intent was also emailed to
19 Williams at her email address on file with the Agency.

20 1.2 By letter dated June 10, 2019, Williams requested a hearing.

21 1.3 On July 1, 2019, the Real Estate Commissioner issued by certified mail an
22 Amended Notice Of Intent. The Agency mailed the Amended Notice Of Intent by certified mail
23 to Williams' two new addresses of record (1104 Fielder Creek Rd., Rogue River, OR 97537,
24 and PO Box 878 Rogue River, OR 97537). The Amended Notice Of Intent was also mailed to
25 Williams by regular first class in a handwritten envelope to both new addresses. The certified
26 mailing receipt was signed by Williams for the mailing to the PO Box 878 Rogue River
27 address. The certified mailing to 1104 Fielder Creek Rd was returned to the Agency marked
28 "RETURN TO SENDER UNCLAIMED UNABLE TO FORWARD." Neither first class mailings
29 in the handwritten envelopes have been returned to the Agency. The Amended Notice of
30 Intent corrected a citation in the original Notice and advised Respondent that pursuant to ORS

1 696.775 the Agency retained jurisdiction over her and her license despite the expiration of her
2 license on July 1, 2019.

3 1.4 Also on July 1, 2019, the Agency referred the matter to the Office of
4 Administrative Hearings for Hearing in this matter. A pre-hearing conference was held at 1:00
5 pm on August 13, 2019, during which Respondent Williams verbally withdrew her request for a
6 hearing. Respondent re-confirmed her withdrawal of the request for hearing, in writing, in a
7 subsequent email dated August 13, 2019 and sent at 4:47 pm.

8 1.5 As noted in paragraph 6 of the Amended Notice of Intent to Revoke, the
9 Agency's entire investigation file was designated as the record for purposes of presenting a
10 *prima facie* case upon default, including submissions from Respondent and all information in
11 the administrative file relating to the mailing of notices and any responses received.

12 2.

13 **NOW THEREFORE**, based upon the foregoing, and upon review of the Agency's file in
14 this matter, the Real Estate Commissioner enters the following Order:

15
16 **FINDINGS OF FACT**

17
18 2.1 At all relevant times mentioned herein, Respondent Williams was licensed as a
19 real estate property manager doing business under the registered business name of Rogue
20 River Property Management, LLC (RRPM).

21 2.2 On October 30, 2018, the Agency notified Williams that her clients' trust account
22 (CTA ending in -2524) was selected for a Mandatory Clients' Trust Account Reconciliation
23 Review. The Agency requested Williams submit her August 2018 reconciliation and
24 supporting documentation to the Agency within 30 days.

25 2.3 On January 7, 2019, the Agency received a letter from Williams, stating, "I
26 couldn't send the reconciliation to your [sic] for August 2018 as you requested because it was
27 no good." Williams submitted the December 2018 reconciliations of both her CTA ending in
28 -2524 and her clients' trust account- security deposits (CTA-SD ending in -2516).

29 2.4 On February 12, 2019, Agency Compliance Coordinator Deanna Hewitt (Hewitt)
30 contacted Williams and asked what she meant by the August 2018 reconciliation being no

1 good. Williams said they weren't accurate but she had corrected them. Hewitt asked if there
2 were funds missing from the account and Williams said there were. Williams was asked who
3 took the funds, and Williams said she had. Hewitt instructed Williams to send a copy of the
4 August 2018 reconciliation for both accounts (unaltered) and to submit them to the Agency by
5 February 19, 2019.

6 2.5 On February 19, 2019, the Agency received another letter from Williams, along
7 with the August 2018 reconciliations of her CTA ending in -2524 and CTA-SD ending in -2516.
8 Williams wrote that she had been short \$11,220.89 in the CTA ending in -2524 for a few
9 months and \$35,715.00 in the CTA-SD ending in -2516 for a lot longer. Williams indicated she
10 had borrowed money to replace the missing funds and stated both clients' trust accounts were
11 now "perfect to the penny and will stay that way."

12 2.6 In her February 19, 2019, letter Williams wrote in part, "As for excuse for this
13 misuse of funds, I don't know where I should begin. In going through an ugly divorce, I found
14 myself not able to pay all the bills having a mortgage higher than the value of my home. It
15 didn't take long to find myself in over my head. Somewhat depressed and completely, alone, I
16 found myself in a hole everyday stressing out on how I was going to get out."

17 2.7 On March 12, 2019, Agency Investigator Aaron Grimes (Grimes) and
18 Compliance Coordinator Rob Pierce (Pierce) met with Williams. Williams provided Grimes and
19 Pierce with online banking records for each account.

20 2.8 It appears Williams started taking security deposit funds out of the CTA-SD
21 ending in -2516 in January 2015. The balance in the account at the start of 2015 was
22 \$34,315.50, and through transfers to the CTA ending in -2524 and to Williams' business
23 account ending in -2508, the balance at the end of February 2015 was down to \$22,815.50.
24 Williams brought the balance under \$10,000 in September 2015 and ended 2015 with a
25 balance of \$400.00. Absent much turnover in her rentals, she ended 2016 with a balance of
26 \$2,200.00, and ended 2017 with a balance of \$315.00.

27 2.9 Williams told Grimes and Pierce there was a combination of factors that led her
28 to take money from the clients' trust accounts, giving similar reasons to her February 19, 2019
29 letter. She said after her divorce she got behind in her house payments and eventually lost her
30 home. She confirmed she initially took funds from the CTA-SD ending in -2516.

1 2.10 The balance in the CTA-SD ending in -2516 at the beginning of December 2018
2 was \$2,015.00. On December 12, 2018, Williams deposited \$29,435.00. Williams continued
3 to put funds back and ended 2018 with a balance of \$47,960.00.

4 2.11 During the meeting with Grimes and Pierce, Williams took full responsibility for
5 taking the trust funds and cited a combination of factors that led to her taking the money.
6 William said she used a fictitious owners' ledger, Joe Cabo, to disguise the theft.

7 2.12 Williams said she never bounced a check or failed to pay her owners what they
8 were owed. She said that every month, all of the owners' funds were distributed to each of the
9 owners, leaving no owners' funds in the CTA ending in -2524 at the end of the month.

10 2.13 On multiple occasions, Williams deposited or disbursed money to/from the CTA
11 ending in -2524, per the bank statement, but failed to post the activity on the check register:

- 12 • August 3, 2018, \$9,235 was deposited per the bank statement, but was not posted
13 on the check register;
- 14 • August 27, 2018, \$145.00 was transferred to Williams' business account ending in
15 -2508, but was not posted on the check register;
- 16 • August 31, 2018, \$15.00 was withdrawn, but was not posted on the check register;
- 17 • December 7, 2018, \$495.00 was transferred to Williams' business account ending in
18 -2508, but was not posted to the check register; and,
- 19 • December 12, 2018, \$39,435.00 was deposited in to the CTA account, but was not
20 posted on the check register.

21 2.14 Williams said she put all funds back into both clients' trust accounts in December
22 2018.

23 2.15 When Williams was repaying funds to the CTA ending in -2524, she posted the
24 transactions as "Other Income" on the check register. A review of the check register showed
25 "Other Income" postings for the following deposits:

- 26 • December 13, 2018, \$8,395.12 was deposited into the account
- 27 • December 17, 2018, \$25,000 was deposited into the account.

28 ///
29 ///
30 ///

1
2 **(2) Violation:** The law pertaining to second noticed violation is as follows. OAR 863-
3 025-0040(5) (1-1-2018 Edition), requires that upon any activity, the property manager must
4 record each receipt, deposit, or disbursement as required in this rule and record each deposit
5 or disbursement on the corresponding owner's ledger.
6

7 **(3) Violation:** The law pertaining to third noticed violation is as follows. ORS
8 696.890(4) states that a real estate property manager owes the property owner the following
9 affirmative duties: (a) to deal honestly and in good faith; (c) to exercise reasonable care and
10 diligence; (e) to act in a fiduciary manner in all matters relating to trust funds; and, (f) to be
11 loyal to the owner by not taking action that is adverse or detrimental to the owner's interest.
12 ORS 696.301 states a licensee may be subject to discipline if they have: (12) demonstrated
13 incompetence or untrustworthiness in performing any actions for which the licensee is required
14 to hold a license; (14) committed an act of fraud or engaged in dishonest conduct substantially
15 related to the fitness of the applicant or licensee to conduct professional real estate activity; or,
16 (15) engaged in any conduct that is below the standard of care for the practice of professional
17 real estate activity in Oregon as established by the community of individuals engaged in the
18 practice of professional real estate activity in Oregon.
19

20 **(4) Violation:** The law pertaining to fourth noticed violation is as follows. OAR 863-
21 025-0028(2) and (3) (1-1-2018 Edition), require a property manager to reconcile each clients'
22 trust account and security deposit account within 30 calendar days of the date of the bank
23 statement, and states the reconciliation must contain the three required components.
24

25 In establishing the violations alleged above, the Agency may rely on one or more
26 definitions contained in ORS 696.010.
27

28 Pursuant to ORS 696.775, the expiration of Williams' license does not prohibit the
29 Commissioner from proceeding with further action.
30

1
2
3 **ULTIMATE FINDINGS OF FACT**

- 4 1. Respondent removed security deposit funds from the CTA-SD ending in -2516
5 and used them for personal use,
6 2. On multiple occasions, Williams deposited or disbursed money to/from the CTA
7 ending in -2524, per the bank statement, but failed to post the activity on the
8 check register:
9 3. Respondent removed funds from the CTA ending in -2524 and used them for
10 personal use,
11 4. Respondent failed to complete the required monthly reconciliations for her CTA
12 ending in -2524 and CTA-SD ending in -2516.

13 **CONCLUSIONS OF LAW**

- 14
15 1. Pursuant to ORS 183.417(4) and OAR 137-003-0670 Respondent is in default.
16 2. The violations set forth in the Notice of Intent to Revoke and set forth herein in
17 the Statement of Law are grounds for discipline pursuant to ORS 696.301.
18 3. Based on these violations, the Agency may revoke Williams' property manager
19 license.
20 4. A revocation of Williams' license is appropriate for violations of ORS 696.301(12)
21 and (14).
22 5. A revocation of Williams' property manager license is appropriate under ORS
23 696.396(2)(c)(B) and (C). According to ORS 696.396, the Agency may revoke a
24 real estate license if the material facts establish a violation of a ground for
25 discipline under ORS 696.301 that exhibits incompetence in the performance of
26 professional real estate activity or exhibits dishonesty or fraudulent conduct.

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OPINION

The Agency takes its consumer protection role extremely seriously. Respondent's taking and using of client funds for personal use is a clear, and egregious, violation of the law. The fact that Respondent ultimately replaced the funds, and admitted to her illegal actions, does not erase the serious violations of law that occurred.

By removing security deposit funds from the CTA-SD ending in -2516 and using them for personal use, Williams violated ORS 696.301(3) as it incorporates OAR 863- 025-0030(1)(1-1-2018 Edition), ORS 696.301(3) as it incorporates ORS 696.890(4)(a),(c),(e) and(f)(2017Edition,and ORS 696.30(12),(14),and(15)(2017Edition).

By failing to post all deposits and disbursements on the check register for the CTA ending in -2524, Williams violated ORS 696.301(3) as it incorporates OAR 863-025- 0040(5) (1-1-2018 Edition), which requires that upon any activity, the property manager must record each receipt, deposit, or disbursement as required in this rule and record each deposit or disbursement on the corresponding owner's ledger.

By removing funds from the CTA ending in -2524 and using them for personal use, Williams violated ORS 696.301(3) as it incorporates ORS 696.890(4)(a),(c),(e), 5 and (f) (2017 Edition), and ORS 696.301(12), (14), and (15) (2017 Edition).

By failing to complete the required monthly reconciliations for her CTA ending in -2524 and CTA-SD ending in -2516, Williams violated ORS 696.301(3) as it incorporates OAR 863-025-0028(2) and (3) (1-1-2018 Edition), which requires a property manager to reconcile each clients' trust account and security deposit account within 30 calendar days of the date of the bank statement, and states the reconciliation must contain the three required components.

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ORDER

IT IS HEREBY ORDERED that Williams' property manager license is revoked.

Dated this 17th day of SEPTEMBER, 2019.

OREGON REAL ESTATE AGENCY



Steven Strode
Real Estate Commissioner

Date of Service: 9/12/2019

NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the date of service of this order. Judicial review is pursuant to the provisions of ORS 183.482.

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate License of)

5
6 TERRY G. BOOKE)

STIPULATED FINAL ORDER

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9
10 The Oregon Real Estate Agency (Agency) and Terry G. Booke (Booke) do hereby
11 agree and stipulate to the following:

12 FINDINGS OF FACT

13 &

14 CONCLUSIONS OF LAW

15 1.

16 1.1 Booke was licensed as a principal broker with Oregon First from April 3, 2015 to
17 June 28, 2019. From June 4, 2009 to April 2, 2015, Booke held a broker license and was
18 associated with Oregon First.

19 1.2 Booke signed a written agreement with principal broker Mickey Lindsay
20 (managing principal broker of Oregon First) agreeing that Booke was responsible for and
21 would supervise Nick Bodeman (Bodeman). This agreement was signed on August 20, 2014,
22 when Booke held a broker license. Booke supervised Bodeman between August 20, 2014 and
23 April 3, 2015.

24 **(1) Violation:** By signing a written agreement to exercise supervision over the real estate
25 activity of Bodeman while Booke was a real estate broker, Booke violated ORS 696.301(3) as
26 it incorporates ORS 696.022(2)(a) (2013 and 2015 Editions) which states a real estate broker
27 may engage in professional real estate activity only if the broker is associated with and
28 supervised by a principal real estate broker. Except as provided in paragraph (c) of this
29 subsection, a real estate broker may not employ, engage or supervise the professional real
30 estate activity of another real estate licensee.

1 1.3 In January 2016, Roger Slade (Slade) and his ex-wife Peggy Hanson (Hanson)
2 hired Bodeman to represent them in the sale of Slade's home at 7316 SW 33rd Ave in Portland
3 Oregon (subject property).

4 1.4 Throughout the Slade transaction, Boone was Bodeman's supervising principal
5 broker.

6 1.5 Slade and Hanson had signed an agreement in which Hanson agreed to
7 represent Slade in the sale of the subject property (Slade had given Hanson General Durable
8 Power of Attorney so she could act on his behalf) and Slade agreed to transfer all proceeds
9 from the sale to Hanson.

10 1.6 According to Bodeman, Hanson and Slade's son had been renting and living in
11 the subject property. Slade had fallen into financial trouble during this time so Hanson was
12 paying for any repairs to the home while their son lived there. After their son moved out,
13 Hanson began paying the mortgage and didn't want to spend any more money on the house.
14 Bodeman said Hanson wanted to get at least \$165,000 out of the home sale.

15 1.7 When looking at the possible options for the property, dividing the lot was
16 discussed with Slade. A large cedar tree would need to be removed for the lot to be divided.
17 Neither Slade nor Hanson were advised by Bodeman or Boone (who was supervising
18 Bodeman) that they may wish to check with the city regarding removal of the tree to see if it
19 was a viable option. Bodeman said he did not suggest this to sellers because they urgently
20 wanted to sell. Boone advised Bodeman that the City of Portland would not allow removal of
21 the tree and if by some chance they did, it would take years to get approval, which was
22 communicated to Slade by Bodeman.

23 **(2) Violation:** By failing to tell the sellers himself or failing to recommend that Bodeman tell
24 the sellers to contact the City of Portland regarding the tree removal, and instead leading the
25 sellers to believe the city would not approve the removal of the tree or that the approval would
26 not be done quickly, Boone violated ORS 696.301(3) as it incorporates ORS 696.805(3)(e)
27 (2015 Edition) which states that a seller's agent owes the seller in a real estate transaction the
28 following affirmative duties: (e) to advise the seller to seek expert advice on matters related to
29 the transaction that are beyond the agent's expertise.

30 ///

1 1.8 Regarding the condition of the subject property, Booke stated the subject
2 property needed extensive work and repairs.

3 1.9 The subject property was not listed on the multiple listing service (MLS). During
4 the Agency's investigation, Bodeman was asked if he had encouraged Slade and Hanson to
5 list the property, he said he did not. Bodeman stated his instructions from Hanson were to sell
6 the property quickly without spending any more money on it (including mortgage payments).

7 1.10 During the investigation, Booke said he told Hanson they could list the property
8 on the MLS but even an as-is buyer could walk away after 30 days.

9 1.11 Booke did not thoroughly discuss the following with the sellers: a) options for
10 listing the subject property on the multiple listing service (the pros and cons); and (b) potential
11 listing prices for the subject property. Additionally, Booke failed to ensure that Bodeman
12 thoroughly discussed the possibility of listing of the subject property and potential listing prices
13 with the sellers.

14 **(3) Violation:** In failing to fully discuss all possible options regarding listing the subject
15 property on MLS and possible listing price with the sellers or ensure that Bodeman thoroughly
16 discussed these with the sellers, Booke violated ORS 696.301(3) as it incorporates ORS
17 696.805(3)(a) (2015 Edition) which states a seller's agent owes the seller involved in a real
18 estate transaction the following affirmative duties: (a) to exercise reasonable care and
19 diligence.

20 1.12 Bodeman said he had been contacted by Ronald Layton (Layton) around
21 January 2016 out of the blue and Layton was looking for a property to flip. Bodeman
22 contacted Layton to see if he was still looking for a property and if he was interested in the
23 subject property.

24 1.13 On February 4, 2016, Layton signed a promissory note to pay \$5,000 in earnest
25 money and an addendum in which he agreed to purchase the property "as-is" with no repairs
26 and without removal of the heating oil tank.

27 1.14 On February 6, 2016, Slade signed and/or initialed a 10 page residential real
28 estate agreement to sell the subject property for \$185,000.00 to Layton, who was a cash
29 buyer.

30 ///

1 1.15 On March 11, 2016, county tax records show Layton sold the subject property to
2 Renaissance Custom Homes LLC (Renaissance) for \$450,000.00. Renaissance had the large
3 cedar tree removed and divided the lot and built two townhomes which sold for \$805,000 each.

4 1.16 Bodeman said he had no idea the property was worth as much as Layton sold it
5 for.

6 **(4) Violation:** By failing to exercise adequate supervision over Bodeman in the
7 Hanson/Slade transaction, Booke violated ORS 696.301(3) as it incorporates OAR 863-015-
8 0140(4) (5-15-14 Edition) which states the principal real estate broker must directly supervise
9 the licensees associated with the broker in fulfilling their duties and obligations to their
10 respective clients.

11 1.17 All of the above demonstrate incompetence in performing acts for which Booke is
12 required to hold a license.

13 **(5) Violation:** ORS 696.301(12) (2015 Edition) which states a licensee's real estate license
14 can be disciplined if they have demonstrated incompetence in performing any act for which the
15 licensee is required to hold a license.

16 2.

17 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.

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

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

22 STIPULATION & WAIVER

23 I have read and reviewed the above findings of fact and conclusions of law which have
24 been submitted to me by the Agency and further, the order which follows hereafter. I
25 understand that the findings of fact, conclusions of law and this stipulation and waiver embody
26 the full and complete agreement and stipulation between the Agency and me. I further
27 understand that if I do not agree with this stipulation I have the right to request a hearing on
28 this matter and to be represented by legal counsel at such a hearing. Hearings are conducted
29 in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the
30 Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. I

1 freely and voluntarily waive my rights to a hearing, to representation by legal counsel at such a
2 hearing, and to judicial review of this matter.

3 I hereby agree and stipulate to the above findings of fact and conclusions of law and
4 understand that the order which follows hereafter may be completed and signed by the Real
5 Estate Commissioner or may be rejected by the Real Estate Commissioner. I understand that,
6 in accordance with the provisions of ORS 696.445(3), notice of this order shall be published in
7 the Oregon Real Estate News Journal.

8 ORDER

9 IT IS HEREBY ORDERED the principal broker license of Booke be, and hereby is
10 reprimanded.

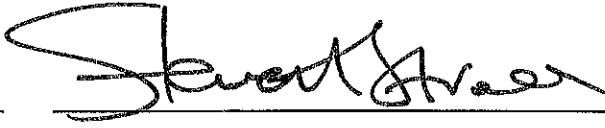
11 IT IS FURTHER ORDERED that Booke complete the 27-hour Principal Broker
12 Advanced Practices course, (detailed in OAR 863-022-0021) within six months from the
13 effective date of this order. Booke must submit a certificate to the Agency showing completion
14 of the 27- hour Principal Broker Advanced Practices Course. This certificate must be
15 submitted to the Agency no later than 10 days after the education has been completed.

17 IT IS SO STIPULATED:

IT IS SO ORDERED:

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19 
20 _____

21 TERRY G. BOOKE



22 STEVEN STRODE

Real Estate Commissioner

23 Date 08-20-2019

Date 8/29/19

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25 Date of Service: 8/29/2019
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1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Unlicensed Professional
5 Real Estate Activity of
6
7 ELYSE ALLEN
8

STIPULATED FINAL ORDER AND ORDER
TO CEASE AND DESIST

9
10 The Oregon Real Estate Agency (Agency) and Elyse Allen (Allen) do hereby agree and
11 stipulate to the following:

12 FINDINGS OF FACT
13 &
14 CONCLUSIONS OF LAW

15 1.

16 1.1 At all times mentioned herein, Allen was not licensed to conduct professional real
17 estate activity in Oregon.

18 1.2 Allen held an active Idaho real estate license.

19 1.3 On March 1, 2018, the Agency received a fax showing Allen as the listing agent
20 on a property located at 1935 17th Street, Baker City, Oregon 97814 (subject property).

21 1.4 On December 19, 2017, Allen entered into a Property Listing Agreement with
22 Res.Net real estate systems for the subject property. Res.Net is an online platform that
23 represents loan servicers, lenders, and asset management companies in disposing of
24 foreclosed properties in their possession.

25 1.5 In late December 2017 Allen corresponded with buyer's agent Evan Kaseberg
26 (Kaseberg) several times regarding a potential offer from Kaseberg's clients.

27 1.6 On December 27, 2017, Kaseberg emailed Allen, "I just spoke with my client and
28 he is willing to go to \$111,111. Kind of an oddball figure but that's what he wants to do. If you
29 could just let me know where we stand when you're able to."

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1 1.7 On December 28, 2017, Allen emailed Kaseberg, "Remind me if your [sic] asking
2 seller to pay and BCC."

3 1.8 On December 28, 2017, Allen emailed Kaseberg stating, "Thanks for your offer
4 however my Seller has countered another offer at this time. If something changes and they do
5 not accept I will be sure to call you right away. Thanks."

6 1.9 On January 3, 2018, Allen text Kaseberg, "Thanks-your client actually called me
7 today and I informed him that I gave the other buyers agent that my seller countered a
8 deadline of today and they have decided to pass because the seller will not pay closing costs.
9 Do you see a problem with VA financing for that house?"

10 1.10 The communication between Allen and Kaseberg continued directing Kaseberg
11 to resubmit the offer, with an approval letter.

12 1.11 On January 4, 2018, Kaseberg text Allen, "Submitted our offer. Price
13 \$122,222.22 VA Loan Not asking for any closing costs. Only the microwave and a home
14 inspection."

15 1.12 The Residential Real Estate Sale Agreement was signed by the buyer on
16 January 4, 2018.

17 1.13 The investigation revealed that Allen co-listed the subject property with an
18 Oregon real estate licensee. A document titled "Commission Disbursement for 1935 17th St
19 Baker City Oregon" showed that Allen and Gregory McLean (McLean) (who held an Oregon
20 broker license) would share 50% of the listing commission. The signature dates were October
21 27, 2017.

22 1.14 Allen was compensated for listing the subject property. Records showed a check
23 in the amount of \$1,527.78 was made payable to Coldwell Banker Tomlinson Group LLC (the
24 company Allen's Idaho license was associated with).

25 **Violation:** By listing, negotiating, and assisting in the procuring of prospects calculated
26 to result in the sale of the subject property, Allen engaged in professional real estate activity as
27 described in ORS 696.010(14)(d)(j)(k) (2015 Edition), ORS 696.010(17)(d)(j)(k) (2017 Edition).
28 Allen engaged in professional real estate activity without having an Oregon real estate license
29 in violation of ORS 696.020(2) (2015 and 2017 Editions), which states an individual may not
30 engage in, carry on, advertise or purport to engage in or carry on professional real estate

1 activity or in the capacity of a real estate licensee, within this state unless the individual holds
2 an active license.

3 **STIPULATION & WAIVER**

4 I have read and reviewed the above findings of fact and conclusions of law which have
5 been submitted to me by the Agency and further, the order which follows hereafter. I
6 understand that the findings of fact, conclusions of law and this stipulation and waiver embody
7 the full and complete agreement and stipulation between the Agency and me. I further
8 understand that if I do not agree with this stipulation I have the right to request a hearing on
9 this matter and to be represented by legal counsel at such a hearing. Hearings are conducted
10 in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the
11 Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. I
12 freely and voluntarily waive my rights to a hearing, to representation by legal counsel at such a
13 hearing, and to judicial review of this matter.

14 I hereby agree and stipulate to the above findings of fact and conclusions of law and
15 understand that the order which follows hereafter may be completed and signed by the Real
16 Estate Commissioner or may be rejected by the Real Estate Commissioner.

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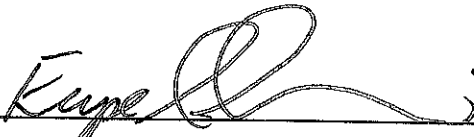
ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Allen immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(17)(a) to (n) (2017 Edition) unless Allen first obtains a real estate license from the Agency. The Commissioner's authority for this order is under ORS 696.397.

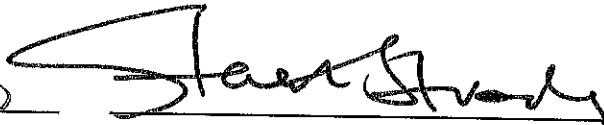
IT IS FURTHER ORDERED that, pursuant to ORS 696.990 and based upon the violation set forth above, Allen pay a civil penalty in the sum of \$250.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to the Agency.

IT IS SO STIPULATED:

IT IS SO ORDERED:



ELYSE ALLEN



Steven Strode

Real Estate Commissioner

Date 7/11/2019

Date 7/23/19

Date of Service: 7/23/2019

**REAL ESTATE BOARD
ADMINISTRATIVE SERVICES DIVISION REPORT
October 7, 2019**

Administrative Services Manager: Anna Higley
Communications Coordinator: Mesheal Heyman
Accountant: Caty Karayel
Systems Administrator: Tiffani Miller
Program Analyst: Rus Putintsev
Operations & Policy Analyst: Denise Lewis
Administrative Specialist: Leandra Hagedorn

Customer Service Manager: Madeline Alvarado
Compliance Specialist: Tami Schemmel
Compliance Specialist: Danette Rozell
Licensing Specialist: Jenifer Wetherbee
Administrative Specialist: Elizabeth Hardwick
Administrative Specialist: Rick Marsland
Administrative Specialist: Nenah Darville

Section Overview

The Administrative Services Division acts as support to the Agency as well as the first point of contact for the public and services the business functions of the Agency overall. This division manages budget preparation, accounting, purchasing and contracting, inventory control, facilities, payroll, human resources, special projects, information technology (IT), reception, licensing services, communications and education.

Budget Update

Financials: 2017-19 biennium revenue has come in at **\$9.2 million**. Budget period end expenses are at **\$7.5 million**. The Agency cash balance as of June 30th is **\$2.6 million**. The Agency began the biennium with \$832,365 in cash reserve. The Legislative Adopted Budget for the 2019-2021 biennium is **\$8.5 million**.

Education

The board committee for the development of the 2020-2021 Law and Rule Required Course (LARRC) met on the 4th of August at 3pm in Hood River to establish a draft outline based on bills passed during the 2019 legislative session that change real estate law. After the public comment period, the committee reconvened on September 25th at 10am to review and consider proposed changes. The committee made a motion to advance the final draft course outline with changes for board approval at the October board meeting in Astoria.

Licensing

Licensing services include assisting real estate brokers, principal brokers, property managers and escrow agencies as they manage their licenses using eLicense, assisting customers as they process registered business names and branch office registrations in eLicense, registering membership campground contract brokers, completing license applicant criminal background check investigations, processing escrow licensing and security/bonding files, maintaining all licensing history records, electronic processing of fees, and providing general reception services.

RBN Renewal

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<u>Eligible to Renew</u>	423	344	376	347	318	320	256	279				
<u>Failed to Renew</u>	26	15	14	22	14	16	9	16				
<u>% Renewed</u>	94%	96%	96%	94%	96%	95%	96%	94%				

Licensing Statistics

Total Licensee Counts by Month:

Individuals (Persons)	July-19	Aug-19
Broker – Total	16,342	16,316
Active	14,572	16,316
Inactive	1,770	1,720
Principal Broker - Total	6,448	6,443
Active	6,059	6,063
Inactive	389	380
ALL BROKERS Total	22,790	22,759
Active	20,631	20,659
Inactive	2,159	2,100
Property Manager - Total	935	934
Active	803	796
Inactive	132	138
MCC Salesperson	22	22
MCC Broker	1	1
TOTAL INDIVIDUALS	23,748	23,716
Active	21,457	21,478
Inactive	2,291	2,238
Facilities (Companies)		
REMO	5	5
Registered Business Name (RBN)	3,896	3,888
Registered Branch Office (RBO)	738	740
Escrow Organization	60	61
Escrow Branch	144	145
PBLN	NA	NA
PMLN	NA	NA
CEP	305	307
MCC Operator	25	25
TOTAL FACILITIES	5,173	5,171
TOTAL INDIVIDUALS & FACILITIES	28,921	28,887

New Licenses by Month:

Individuals (Persons)	July-19	Aug-19
Broker	194	140
Principal Broker	17	14
TOTAL BROKERS	211	154
Property Manager	15	9
MCC Salesperson	0	1
MCC Broker	0	0
TOTAL INDIVIDUALS	226	164
Facilities (Companies)		
Continuing Education Provider (CEP)	1	0
REMO	0	0
Registered Business Name	28	20
Registered Branch Office	8	4
Escrow Organization	0	1
Escrow Branch	0	1
MCC Operator	0	0
TOTAL FACILITIES	36	26
TOTAL INDIVIDUALS & FACILITIES	262	190

Exam Statistics

August 2019 Total
ALL LICENSING EXAMS

Broker	377
Property Manager	19
Principal Broker	41
Reactivation	7

Pass Rates

<u>First Time Pass Rate</u> <u>Percentage</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Broker State	69	64	61	58	57
Broker National	78	74	73	72	69
Principal Broker State	62	59	58	59	48
Principal Broker National	78	75	76	77	71
Property Manager	59	64	69	67	65

Oregon Real Estate Agency
 Administrative Services Division
 Licensee Application & Renewal
 2019 Data

New Applications													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Brokers	328	259	300	280	287	278	233	245					2210
Principal Brokers	47	32	39	25	32	24	36	14					249
Property Managers	17	18	24	39	25	22	20	21					186
Total	392	309	363	344	344	324	289	280					2645

Renewal Activity														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	415	398	473	426	485	521	534	503					3755
	Inactive	43	41	35	33	38	33	49	37					309
Late	Active	42	25	37	47	67	40	52	32					342
	Inactive	7	14	9	6	13	7	7	11					74
Lapse		79	103	102	96	102	87	99	116					784
	Total	586	581	656	608	705	688	741	699					5264

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	211	188	208	215	205	243	250	258					1778
	Inactive	18	9	11	5	8	8	12	8					79
Late	Active	12	7	8	15	12	11	12	12					89
	Inactive	1	2	1	4	3	1	4	2					18
Lapse		29	28	28	20	33	24	27	23					212
	Total	271	234	256	259	261	287	305	303					2176

Oregon Real Estate Agency
 Administrative Services Division
 Licensee Application & Renewal
 2018 Data

New Applications													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Brokers	322	303	352	353	302	325	271	293	270	236	260	231	3518
Principal Brokers	48	32	34	25	41	30	26	33	42	38	30	23	402
Property Managers	26	30	20	18	20	25	19	16	23	29	20	20	266
Total	396	365	406	396	363	380	316	342	335	303	310	274	4186

Renewed & Lapsed Licenses														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	453	430	469	483	481	469	483	464	496	492	436	499	5655
	Inactive	56	48	45	37	47	33	39	40	36	44	44	36	505
Late	Active	34	21	40	39	42	27	28	37	32	33	41	28	402
	Inactive	2	10	4	7	13	9	12	11	7	10	10	10	105
Lapse		96	80	97	87	113	84	87	96	88	109	68	81	1086
Total		641	589	655	653	696	622	649	648	659	688	599	654	7753

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	227	241	233	238	245	249	203	222	238	208	216	211	2731
	Inactive	11	10	10	17	15	17	15	12	8	8	14	12	149
Late	Active	8	8	12	16	13	12	12	11	14	9	12	8	135
	Inactive	1	2	2	3	2	3	1	4	2	2	1	3	26
Lapse		21	18	22	18	21	18	23	14	25	19	32	20	251
Total		268	279	279	292	296	299	254	263	287	246	275	254	3292

Oregon Real Estate Agency
Administrative Services Division
Phone Counts

(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					1928
Average Wait Time	:20	:21	:29	:23	:24	:33	:30	:27					:26
Maximum Wait Time	16:06	9:32	21:21	14:03	15:58	13:20	11:15	12:00					14:11

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

(minutes: seconds)	Jan – 17	Feb – 17	Mar – 17	Apr – 17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	17-Nov	Dec-17	2017 Average
Call Count	2136	1944	2065	1766	1963	1939	1809	2009	1893	1968	1711	2051	1938
Average Wait Time	:45	:21	:23	:18	:17	:18	:23	:22	:16	:14	:16	:23	:21
Maximum Wait Time	28:13*	11:42	8:07	8:17	7:22	5:09	7:37	6:51	4:29	4:16	4:34	13:47	7:28

Real Estate Agency - AY19

2017-19 Budget - July 2017 thru June 2019

<i>Budget Codes</i>		<u>Legislative Approved Budget</u>	<u>Actual Total Expenditures for AY19 Biennium</u>	<u>Expected Remaining Limitation at end of Biennium</u>
	Total Personal Services	6,121,432	6,187,316	(65,884)
4100 & 4125	In-State Travel & Out-of-StateTravel	95,146	109,011	(13,865)
4150	Employee Training	35,640	25,331	10,309
4175	Office Expenses	113,231	40,944	72,287
4200	Telecom/Tech Services & Support	29,024	51,985	(22,961)
4225	State Government Services	205,532	209,814	(4,282)
4250	Data Processing	85,296	107,482	(22,186)
4275	Publicity & Publications	55,374	574	54,800
4300 & 4315	Professional Services & IT Professional Services	178,828	218,343	(39,515)
4325	Attorney General Legal Fees	254,553	76,470	178,083
4375	Employee Recruitment	7,464	-	7,464
4400	Dues & Subscriptions	9,224	3,589	5,635
4425	Facilities Rent & Taxes	245,290	228,678	16,612
4475	Facilities Maintenance	4,354	1,171	3,183
4575	Agency Program Related S&S	39,796	1,355	38,441
4650	Other Services & Supplies	116,647	145,140	(28,493)
4700	Expendable Property \$250-\$5000	28,081	12,530	15,551
4715	IT Expendable Property	157,006	18,223	138,783
5100	Office Furnitures & Fixtures	0	23,506	(23,506)
	Total Services & Supplies and Capital Outlay	1,660,486	1,274,145	386,341

Real Estate Agency - AY19

2017-19 Budget - July 2017 thru June 2019

<i>Budget Codes</i>		<u>Legislative Approved Budget</u>	<u>Actual Total Expenditures for AY19 Biennium</u>	<u>Expected Remaining Limitation at end of Biennium</u>
	Total Personal Services	6,121,432	6,187,316	(65,884)
4100 & 4125	In-State Travel & Out-of-State Travel	95,146	109,011	(13,865)
4150	Employee Training	35,640	25,331	10,309
4175	Office Expenses	113,231	40,944	72,287
4200	Telecom/Tech Services & Support	29,024	51,985	(22,961)
4225	State Government Services	205,532	209,814	(4,282)
4250	Data Processing	85,296	107,482	(22,186)
4275	Publicity & Publications	55,374	574	54,800
4300 & 4315	Professional Services & IT Professional Services	178,828	218,343	(39,515)
4325	Attorney General Legal Fees	254,553	76,470	178,083
4375	Employee Recruitment	7,464	-	7,464
4400	Dues & Subscriptions	9,224	3,589	5,635
4425	Facilities Rent & Taxes	245,290	228,678	16,612
4475	Facilities Maintenance	4,354	1,171	3,183
4575	Agency Program Related S&S	39,796	1,355	38,441
4650	Other Services & Supplies	116,647	145,140	(28,493)
4700	Expendable Property \$250-\$5000	28,081	12,530	15,551
4715	IT Expendable Property	157,006	18,223	138,783
5100	Office Furnitures & Fixtures	0	23,506	(23,506)
	Total Services & Supplies and Capital Outlay	1,660,486	1,274,145	386,341
	Grand Total	7,781,918	7,461,461	320,457

Real Estate Agency - AY21

2019-2021 Budget - Biennium to Date Through June 30th 2021

<i>Budget Codes</i>		<u>19-2021 Legislative Approved Budget</u>	<u>Expected Total Expenditures for Biennium (current)</u>	<u>Expected Remaining Limitation at end of Biennium</u>
	Total Personal Services	6,757,897	6,472,891	285,006
4100 & 4125	In-State Travel & Out-of-State Travel	98,762	122,619	(23,857)
4150	Employee Training	36,994	23,895	13,099
4175	Office Expenses	83,040	45,303	37,737
4200	Telecom/Tech Services & Support	64,621	47,397	17,224
4225	State Government Services	233,574	277,394	(43,820)
4250	Data Processing	109,297	120,616	(11,319)
4275	Publicity & Publications	36,718	840	35,878
4300 & 4315	Professional Services & IT Professional Services	186,339	200,784	(14,445)
4325	Attorney General Legal Fees	293,465	174,914	118,551
4375	Employee Recruitment	7,748	250	7,498
4400	Dues & Subscriptions	9,575	6,300	3,275
4425	Facilities Rent & Taxes	254,611	242,455	12,156
4475	Facilities Maintenance	4,519	6,331	(1,812)
4575	Agency Program Related S&S	41,308	2,995	38,313
4650	Other Services & Supplies	88,482	148,953	(60,471)
4700	Expendable Property \$250-\$5000	29,148	3,800	25,348
4715	IT Expendable Property	162,972	30,951	132,021
	Total Services & Supplies and Capital Outlay	1,741,173	1,455,798	285,375
	Totals	8,499,070	7,928,688	570,382

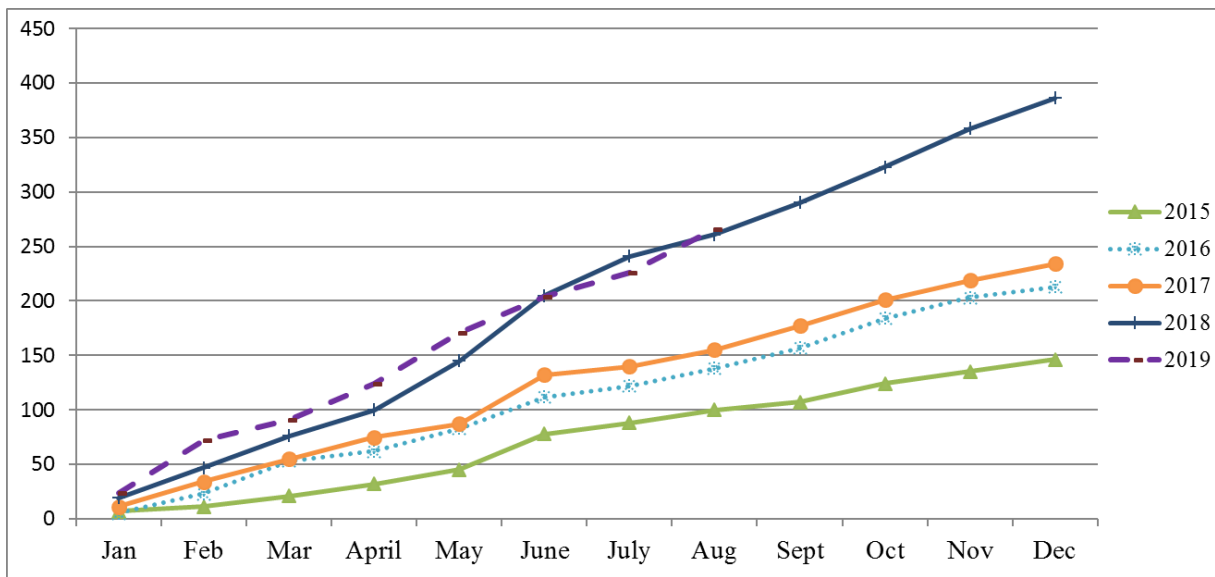
**Report to the Real Estate Board
Land Development Division
7 October 2019**

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



Overall filing volume in 2019 remains high and closely tracks the elevated filing volume seen in 2018. Average filing volume from 2010 thru 2017 was 207 filings per year. In 2018 we received 386 filings, which is 186% of average. As seen in the graphic above, filings this year through end of August are actually slightly higher than what was seen in 2018 through the same timeframe.

Current Activity:

In response to the increased filing tempo, and in anticipation of an increase in filings we are shifting workload in this section.

The clerical duties currently assigned to the AS2 position, such as answering phones and emails, intake inventories, out processing, receiving payments and maintaining databases, have been reallocated to existing staff within the agency.