



Oregon

Kate Brown, Governor

AGENDA ITEM NO. I. C.

Notice of Agenda
OREGON REAL ESTATE BOARD
Regular Meeting **AMENDED** Agenda
June 4, 2018
Central Oregon Association of REALTORS®
2112 NE 4th Street
Bend, OR 97701

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

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 4.2.18, regular meeting minutes
- E. Date of the Next Meeting: 8.6.18 at the Red Lion Hotel Pendleton, 304 SE Nye Avenue, Pendleton, OR 97801 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. REQUESTS FOR WAIVERS – Chair Farley. Waiver request log.

- A. Ryan McGraw requests experience waiver to become principal broker.

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

- A. Finance of America Mortgage, Austin Strode will appear on behalf of petitioner

V. BOARD ADVICE/ACTION – Commissioner Bentley

- A. Memo – Rulemaking Update
 1. Principal Broker Advanced Practices Course – make recommendation for Agency to finalize the draft content outline as submitted
 2. OAR Chapter 863-022-00xx, Division 22, Principal Broker Advanced Practices Course Requirement for the First Active Renewal of License-make recommendation for Agency to proceed with filing rule changes as submitted
 3. OAR Chapter 863-003-0000, Division 3, Employee Criminal Records Check and Fitness Determination – make recommendations for Agency to proceed with filing the rule changes as submitted

VI. COMMUNICATIONS – Administrative Actions Summary – Chair Farley

VII. REPORTS – Chair Farley

- A. Commissioner Gene Bentley
- B. Agency division reports-Deputy Commissioner Dean Owens
 1. Regulation Division – Selina Barnes
 2. Land Development Division – Michael Hanifin
 3. Education, Licensing, and Administrative Services Division – Anna Higley and Maddy Alvarado

VIII. ANNOUNCEMENTS – Chair Farley. Next board meeting: 8.6.18 at the Red Lion Hotel Pendleton, 304 SE Nye Avenue, Pendleton, OR 97801 to begin 10am.

IX. ADJOURNMENT – Chair Farley

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



Oregon

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AGENDA ITEM NO.

I.D.

Real Estate Agency

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OREGON REAL ESTATE BOARD

Regular Meeting Minutes
Oregon State Bar Center
16037 SW Upper Boones Ferry Road
Tigard, OR 97224

Monday, April 2, 2018

BOARD MEMBERS PRESENT:

Jef Farley, Chair
Debra Gisriel
Jose Gonzalez
Dave Hamilton
Pat Ihnat
Dave Koch
Alex MacLean
Coni Rathbone

BOARD MEMBERS ABSENT:

Lawnae Hunter, Vice-Chair

OREA STAFF PRESENT:

Gene Bentley, Commissioner
Dean Owens, Deputy Commissioner
Selina Barnes, Regulations Division Manager
Michael Hanifin, Land Development Division Manager
Leandra Hagedorn, Board Liaison

GUESTS PRESENT:

Cheryle Clunes, Portland Metropolitan Association of REALTORS®
Rosemary Crites, Portland Metropolitan Association of REALTORS®
Tammie Ellis, Portland Metropolitan Association of REALTORS®
Alaina Giguere, Clatsop Association of REALTORS®
Martin Giguere, Clatsop Association of REALTORS®
Michele Gila, Portland Metropolitan Association of REALTORS®
Michael Hall, Portland Metropolitan Association of REALTORS®
Michael Hobson, Portland Metropolitan Association of REALTORS®
Michele Holen, Portland Metropolitan Association of REALTORS®
Jessica Karman, Portland Metropolitan Association of REALTORS®
Franki Keefe, Portland Metropolitan Association of REALTORS®
Eric Kvernland, Portland Metropolitan Association of REALTORS®
Julie Long, Portland Metropolitan Association of REALTORS®
Lane Mueller, Portland Metropolitan Association of REALTORS®
Wayne Olson, Portland Metropolitan Association of REALTORS®
Victoria Owen, Portland Metropolitan Association of REALTORS®
Susan Peters, Portland Metropolitan Association of REALTORS®
Anthony Polito, Portland Metropolitan Association of REALTORS®
Lisa Santana, North Willamette Association of REALTORS®
Kay Lynn Schwab, Portland Metropolitan Association of REALTORS®
Darcy Shetler, Portland Metropolitan Association of REALTORS®
Sherie Star, Portland Metropolitan Association of REALTORS®
Marlyn Weaver, Willamette Association of REALTORS®
Mark Wheeler, Portland Metropolitan Association of REALTORS®
Susan Wolfe, Portland Metropolitan Association of REALTORS®
Stacey Harrison, A-1 Superior Schools

I. BOARD BUSINESS – Chair Farley

- A. Call to Order. Chair Farley called the meeting to order at 10am.
- B. Chair Edwards 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 APPROVED AGENDA AND ORDER OF BUSINESS AS SUBMITTED BY CONI RATHBONE
SECOND BY PAT IHNAT
MOTION CARRIED BY UNANIMOUS VOTE**

- D. Approval of 2.5.18 regular meeting minutes.

**MOTION TO APPROVE 2.5.18 REGULAR MEETING MINUTES AS SUBMITTED BY CONI RATHBONE
SECOND BY DAVE HAMILTON
MOTION CARRIED BY UNANIMOUS VOTE**

- E. Date of the Next Meeting: 6.4.18 at the Central Oregon Association of REALTORS®, 2112 NE 4th Street, Bend, OR 97701, 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. REQUESTS FOR WAIVERS – Chair Farley

- A. Ross Kelley requests a waiver of experience to become a principal broker. Mr. Kelley explained his request was based on his legal experience on both residential and commercial real estate and also that his business model would be a small scale of commercial properties. Dave Koch asked Mr. Kelley about his attitude towards managing and Mr. Kelley responded that his goal would be to provide exemplary service and he has reviewed ORS Chapter 696. Mr. Koch asked Mr. Kelley if he had supervision experience and Mr. Kelley responded that has supervised paralegals, attorneys and in his current position as well. Alex MacLean asked Mr. Kelley if he has had any experience with day to day transaction activity and Mr. Kelley responded he has worked with many brokers as well as buyers and sellers.

**MOTION TO DENY MR. KELLEY'S REQUEST FOR WAIVER OF EXPERIENCE AND RECOMMEND MR. KELLEY MAKE HIS REQUEST AFTER ONE YEAR OF EXPERIENCE BY DAVE KOCH
SECOND BY PAT IHNAT
MOTION CARRIED BY UNANIMOUS VOTE**

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

- A. Stephanie Shapiro will appear in person. 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.

**MOTION TO APROVE MS. SHAPIRO'S PETITION TO QUALIFY AS A CONTINUING EDUCATION
PROVIDER BY DAVE HAMILTON
SECOND BY ALEX MACLEAN
MOTION CARRIED BY UNANIMOUS VOTE**

- B. 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 Mandatory 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.

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

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

VI. NEW BUSINESS – Chair Farley. None.

VII. COMMUNICATIONS – Administrative Actions Summary – Chair Farley

VIII. REPORTS – Chair Farley

- A. Qualifications and structure of property management licenses – Dave Hamilton. Mr. Hamilton explained after meetings and discussion on this issue the workgroup decided to rely on the Agency's current process/procedures in place to regulate client trust accounts.
- B. Commissioner Bentley
- Summary of license statistics/counts.
 - HB 4048 proposed the requirement of principal brokers to complete an advanced practices course within 1 year of obtaining license. The Agency developed a draft course content and formed a workgroup which will meeting on 4.18.18 to discuss/review the draft. The Agency will present the draft to the board at the 6.4.18 board meeting.
 - ARELLO Mid-Year Conference will be held later this week in New Orleans at which time one of the issues to be discussed will be mandatory E & O insurance.
 - RBN annual renewals have resulted in a significant increase in the number of client trust accounts being registered.
- C. Agency division reports – Deputy Commissioner Dean Owens
1. Regulation Division – Selina Barnes. Ms. Barnes explained after reviewing resources and staff duties at the Agency some changes were implemented such as, client trust account audits are now referred to as client trust account reviews and all phone calls relating to compliance with laws/rules outside of licensing are now handled by regulation staff. She also referred to one of the Administrative Action orders included in the packet which dealt with an expired licensee and the summary of administrative actions for past 5 years. Debra Gisriel asked Ms. Barnes if there are violations that are more common and Ms. Barnes responded that the vast majority of the allegations the Agency receives relate to advertising or property management activity and summarized the statistics provided in the written division report. Dave Koch asked Ms. Barnes to explain the process in place when licensees are suspended for child support non-compliance and Ms. Barnes responded that once the Agency is notified of the non-compliance and request for immediate suspension of license, a suspension is entered at that time. Ms. Barnes announced that she would be presenting the "Attention Violation Prevention" class following the board meeting.
 2. Land Development Division – Michael Hanifin. Mr. Hanifin explained the function and role of the division and reported an increase in condominium filings. He also summarized the statistics and information provided in the written division report. Mr. Hanifin presented the following legislation update:

- Agency Housekeeping Bill - Introduced **Exhibit A (REA Legislative Concept 1 2019 Session)** and summarized the proposed amendments to ORS 94.980 sub-section (2) and also ORS 696.030 sub-section (13).
- HB 4048 – Passed in the 2018 regular session, which required Principal Brokers to complete an advanced practices course prior to their first active renewal or upon their first active renewal after renewing inactive.

**MOTION TO MAKE RECOMMENDATION FOR AGENCY TO FILE REA LEGISLATIVE CONCEPT 1 2019 WITH DEPARTMENT OF ADMINISTRATIVE SERVICES BY CHAIR FARLEY
SECOND BY CONI RATHBONE
MOTION CARRIED BY UNANIMOUS VOTE**

3. Education, Licensing, and Administrative Services Division – Deputy Commissioner Owens provided the report in the absence of Anna Higley and Maddy Alvarado who were both en route to the ARELLO Mid-Year Conference in New Orleans. Mr. Owens summarized the statistics and information provided in the written division reports and also reiterated that the Agency has been working on developing draft content outline regarding HB 4048.

IX. ANNOUNCEMENTS – Chair Farley. Next board meeting: 6.4.18 at the Central Oregon Association of REALTORS®, 2112 NE 4th Street, Bend, OR 97701, to begin at 10am.

X. ADJOURNMENT – Chair Farley.

Respectfully submitted,

Respectfully submitted,

GENE BENTLEY, COMMISSIONER

JEF FARLEY, BOARD CHAIR

Exhibits provided electronically:

- A. REA Legislative Concept 1 2019 Session, **Agenda Item No. VIII. C. 2., Exhibit A**

1
2 Related to:

3
4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 94.980 is amended to read:

6 **94.980 Application for registration; fee.** (1) A salesperson or membership camping contract
7 broker may apply for registration by filing with the Real Estate Commissioner an application
8 which includes the following information:

9 (a) A statement whether or not the applicant has been convicted of any misdemeanor or
10 felony involving theft, fraud or dishonesty or whether or not the applicant has been enjoined
11 from, had any civil penalty assessed for, or been found to have engaged in any violation of any
12 act designed to protect consumers; and

13 (b) A statement describing the applicant's employment history for the past five years and
14 whether or not any termination of employment during the last five years was occasioned by any
15 theft, fraud or act of dishonesty.

16 (2) Each applicant for initial registration shall submit to fingerprinting *[and provide to the*
17 *commissioner]* as part of the application *[a recent photograph of the applicant]*. The registration
18 must be accompanied by a written acceptance of the applicant as a salesperson signed by the
19 membership camping operator with whom the salesperson will be associated.

20 (3) The commissioner may deny, suspend or revoke a salesperson's or membership camping
21 contract broker's application for registration or the salesperson's or membership camping
22 contract broker's registration if the commissioner finds that the order is necessary for the
23 protection of purchasers or owners of membership camping contracts and that the applicant or
24 registrant:

25 (a) Has been convicted of any misdemeanor or felony or has been enjoined from, had any
26 civil penalty assessed for, or been found to have engaged in any violation of any act designed to
27 protect consumers;

28 (b) Has violated any material provision of ORS 94.925 to 94.983; or

29 (c) Has engaged in fraudulent or deceitful practices in any industry involving sales to
30 consumers.

31 (4) Registration shall be effective for a period of one year. Registration shall be renewed
32 annually by the filing of a form prescribed by the commissioner for that purpose. The completed
33 application for registration or renewal shall automatically become effective upon the expiration
34 of 30 business days following filing with the commissioner, unless:

35 (a) The application has been denied under subsection (3) of this section;

36 (b) The commissioner grants the registration effective as of an earlier date; or

37 (c) The applicant or registrant consents to delay of the effective date.

38 (5) During the effective period of a salesperson's registration, the salesperson may transfer to
39 a new membership camping operator by requesting the operator to return the salesperson's
40 registration to the commissioner and filing with the commissioner a written acceptance of the
41 salesperson's transfer signed by the membership camping operator with whom the salesperson
42 will be associated following the transfer. Upon receipt of the salesperson's registration and
43 payment to the commissioner of a \$10 transfer fee, the commissioner may issue a registration for
44 the salesperson to the new membership camping operator. Upon the request of a salesperson, a
45 membership camping operator shall promptly return the registration of the salesperson to the
46 commissioner.

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2019 Regular Session
Proposed Language

LC: Michael Hanifin 503-378-4632

1 (6) A salesperson's registration granted under this section shall be issued to a membership
2 camping operator who signed the written acceptance accompanying the initial registration
3 application or transfer request. A salesperson's registration entitles the salesperson to sell
4 membership camping contracts only for any campground operated by the membership camping
5 operator under the supervision of the operator. If the salesperson terminates sales activity for any
6 reason, the membership camping operator shall return the registration of the salesperson to the
7 commissioner without delay.

8 (7) If an applicant for registration has an active real estate license outstanding, the applicant
9 must place the real estate license on inactive status before issuance of the registration by the
10 commissioner. A salesperson or membership camping contract broker may not reactivate an
11 inactive real estate license during any term of registration as a salesperson or membership
12 camping contract broker.

13 **SECTION 2.** ORS 696.530 is amended to read:

14 **696.030 Exemptions.** ORS 696.010 to 696.375, 696.392, 696.395 to 696.430, 696.490,
15 696.600 to 696.785, 696.990 and 696.995 do not apply to:

16 (1)(a) A nonlicensed individual who is a full-time employee of an owner of real estate and
17 whose real estate activity:

18 (A) Involves only the real estate of the employer; and

19 (B)(i) Is incidental to the employee's normal, nonreal estate activities; or

20 (ii) Is the employee's principal activity, but the employer's principal activity or business is
21 not the sale, exchange, lease option or acquisition of real estate.

22 (b) For the purpose of this subsection, "owner of real estate" means:

23 (A) A person who has a sole ownership interest in the real estate; or

24 (B) More than one person, each of whom has an ownership interest in the real estate, if the
25 ownership interest is by survivorship, tenancy in common or tenancy by the entirety.

26 (2) A nonlicensed individual who acts as attorney in fact under a duly executed power of
27 attorney from the owner or purchaser authorizing the supervision of the closing of or supervision
28 of the performance of a contract for the sale, leasing or exchanging of real estate if the power of
29 attorney was executed prior to July 1, 2002, in compliance with the requirements of law at the
30 time of execution or if:

31 (a) The power of attorney is recorded in the office of the recording officer for the county in
32 which the real estate is located;

33 (b) The power of attorney specifically describes the real estate; and

34 (c) The nonlicensed individual does not use the power of attorney as a device to engage in
35 professional real estate activity without obtaining the necessary real estate license.

36 (3) A nonlicensed individual who acts as attorney in fact under a duly executed power of
37 attorney in which the authorized agent is the spouse of the principal, or the child, grandchild,
38 parent, grandparent, sibling, aunt, uncle, niece or nephew of the principal or of the spouse of the
39 principal, authorizing real estate activity if the power of attorney is recorded in the office of the
40 recording officer for the county in which the real estate to be sold, leased or exchanged is
41 located.

42 (4) A nonlicensed individual who is an attorney at law rendering services in the performance
43 of duties as an attorney at law.

44 (5) A nonlicensed individual who acts in the nonlicensed individual's official capacity as a

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Proposed Language

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1 receiver, a conservator, a trustee in bankruptcy, a personal representative or a trustee, or a regular
2 salaried employee of the trustee, acting under a trust agreement, deed of trust or will.

3 (6) A nonlicensed individual who performs an act of professional real estate activity under
4 order of a court.

5 (7) A nonlicensed individual who is a regular full-time employee of a single corporation,
6 partnership, association, limited liability company or nonlicensed individual owner of real
7 property acting for the corporation, partnership, association, limited liability company or
8 nonlicensed individual owner in the rental or management of the real property, but not in the
9 sale, exchange, lease option or purchase of the real property.

10 (8) A nonlicensed individual who is a registered professional engineer or architect rendering
11 services in performance of duties as a professional engineer or architect.

12 (9) A nonlicensed individual who is employed by a principal real estate broker engaged in
13 the management of rental real estate or by a licensed real estate property manager and who acts
14 on behalf of the principal real estate broker or licensed real estate property manager pursuant to a
15 written delegation of the principal real estate broker's or licensed real estate property manager's
16 authority, as provided by the agency by rule, if the real estate activity of the nonlicensed
17 individual is limited to:

18 (a) Negotiating rental or lease agreements;

19 (b) Checking tenant and credit references;

20 (c) Physically maintaining the real estate;

21 (d) Conducting tenant relations;

22 (e) Collecting the rent;

23 (f) Supervising the premises' managers;

24 (g) Discussing financial matters relating to the management of the real estate with the owner;
25 and

26 (h) Receiving and disbursing trust funds in a clients' trust account under ORS 696.241.

27 (10) A nonlicensed individual who sells or leases cemetery lots, parcels or units while
28 engaged in the disposition of human bodies under ORS 97.010 to 97.040, 97.110 to 97.450,
29 97.510 to 97.730, 97.810 to 97.920 and 97.990 or an employee of the nonlicensed individual
30 performing similar activities.

31 (11) A nonlicensed individual who is a salaried employee of the State of Oregon, or any of its
32 political subdivisions, engaging in professional real estate activity as a part of such employment.

33 (12) A nonlicensed individual who analyzes or provides advice regarding permissible land
34 use alternatives, environmental impact, building and use permit procedures, development
35 alternatives or demographic market studies or who performs development management, or a
36 regular full-time employee of the nonlicensed individual performing similar activities. This
37 exclusion does not apply to marketing, procuring prospects, leasing or the handling of
38 transactional negotiations for transfer of an interest in real estate.

39 (13) **[A nonlicensed] An individual who is a hotelkeeper or innkeeper as defined by ORS**
40 **699.005 arranging the rental of transient lodging at a hotel or inn in the course of business as a**
41 **hotelkeeper or innkeeper.**

42 (14) A nonlicensed individual who is a travel agent arranging the rental of transient lodging
43 at a hotel or inn as defined in ORS 699.005 in the course of business as a travel agent for
44 compensation. For the purpose of this subsection, "travel agent" means a person, and employees

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Proposed Language

LC: Michael Hanifin 503-378-4632

1 of the person, regularly representing and selling travel services to the public directly or through
2 other travel agents.

3 (15) A nonlicensed individual who is a common carrier arranging the rental of transient
4 lodging at a hotel or inn as defined in ORS 699.005 in the course of business as a common
5 carrier. For the purpose of this subsection, “common carrier” means a person that transports or
6 purports to be willing to transport individuals from place to place by rail, motor vehicle, boat or
7 aircraft for hire, compensation or consideration.

8 (16) A nonlicensed individual who is a hotel representative arranging the rental of transient
9 lodging at a hotel or inn as defined in ORS 699.005 in the course of business as a hotel
10 representative. For the purpose of this subsection, “hotel representative” means a person that
11 provides reservations or sale services to independent hotels, airlines, steamship companies and
12 government tourist agencies.

13 (17) A nonlicensed individual transferring or acquiring an interest in real estate owned or to
14 be owned by the nonlicensed individual.

15 (18) A nonlicensed individual who is a general partner for a domestic or foreign limited
16 partnership duly registered and operating within this state under ORS chapter 70 engaging in the
17 sale of limited partnership interests and the acquisition, sale, exchange, lease, transfer or
18 management of the real estate of the limited partnership.

19 (19) A nonlicensed individual who is a membership camping contract broker or salesperson
20 registered with the Real Estate Agency selling membership camping contracts.

21 (20) A nonlicensed individual who is a professional forester or farm manager engaging in
22 property management activity on forestland or farmland when the activity is incidental to the
23 nonreal estate duties involving overall management of forest or farm resources.

24 (21) A nonlicensed individual who is a registered investment adviser under the Investment
25 Advisers Act of 1940, 15 U.S.C. 80b-1 et seq., rendering real estate investment services for the
26 office of the State Treasurer or the Oregon Investment Council.

27 (22) A nonlicensed individual who refers a new tenant for compensation to a real estate
28 licensee acting as the property manager for a residential building or facility while the
29 nonlicensed individual resides in the building or facility or within six months after termination of
30 the nonlicensed individual’s tenancy.

31 (23) A nonlicensed individual who gives an opinion in an administrative or judicial
32 proceeding regarding the value of real estate for taxation or representing a taxpayer under ORS
33 305.230 or 309.100.

34 (24) A nonlicensed individual acting as a paid fiduciary whose real estate activity is limited
35 to negotiating a contract to obtain the services of a real estate licensee.

36 (25) A nonlicensed individual who is acting as a fiduciary under a court order, without regard
37 to whether the court order specifically authorizes real estate activity.

38 (26) A nonlicensed individual who is a representative of a financial institution or trust
39 company, as those terms are defined in ORS 706.008, that is attorney in fact under a duly
40 executed power of attorney from the owner or purchaser authorizing real estate activity, if the
41 power of attorney is recorded in the office of the county clerk for the county in which the real
42 estate to be sold, leased or exchanged is located.

43 (27) A nonlicensed individual who is a member of a domestic or foreign limited liability
44 company duly registered and operating within this state under ORS chapter 63 and who is

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Proposed Language

LC: Michael Hanifin 503-378-4632

- 1 engaging in the acquisition, sale, exchange, lease, transfer or management of the real estate of
2 the limited liability company if:
- 3 (a) The limited liability company is member-managed; or
 - 4 (b) The limited liability company is manager-managed, and the nonlicensed individual is a
5 manager.
- 6 (28) A nonlicensed individual who is a partner in a partnership as defined in ORS 67.005 and
7 who is engaging in the acquisition, sale, exchange, lease, transfer or management of the real
8 estate of the partnership.
- 9 (29) A nonlicensed individual who is an officer or director of a domestic or foreign
10 corporation duly registered and operating within this state under ORS chapter 60 and who is
11 engaging in the acquisition, sale, exchange, lease, transfer or management of the real estate of
12 the corporation.

**AGENDA ITEM NO.
III.**

**OREGON REAL ESTATE BOARD
Experience Requirement Waiver Request Log
2016-2018**

2016				
2.1.16	Tim Rist	PB	Denied	<p>FACTS: Mr. Rist appeared and Chair Hermanski asked him to provide any additional information he felt the board should consider regarding his waiver request. Mr. Rist acknowledged that although he may not have a lengthy amount of experience, he did have the volume of transaction experience. Dave Koch asked Mr. Rist to explain the process he has in place for client trust accounts. Mr. Rist responded that he uses a spreadsheet of incoming funds and outgoing funds. Chair Hermanski responded that the three year experience requirement is in place to establish sufficient collective experience and Mr. Rist should gain more transaction experience during the remainder of his three year requirement. Marcia Edwards explained her concern was with the lack of management experience as well as dispute resolution. Pat Ihnat explained she also had concerns with Mr. Rist still needing supervision. Joann Hansen stated that the three year experience requirement is imperative for principal brokers. Lawnae Hunter responded that she was not compelled to waive the three year requirement based on the information provided by Mr. Rist.</p> <p>DISCUSSION: Joann Hansen stated that in her opinion Keller Williams should be granting the approval and not the board. Mr. Koch suggested that Mr. Rist take advantage of the three year requirement and gain more experience. Marcia Edwards clarified that our mission is to protect consumers.</p> <p>MOTION TO DENY THE REQUEST FOR WAIVER SUBMITTED BY TIM RIST BY DAVE KOCH SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE</p>
4.4.16	Dahe Good	PB	Approved	<p>FACTS: Ms. Good explained that she had held a number of positions in the real estate industry as well as owning her own real estate development firm for 12 years. She also stated that her goal is to own her own small firm of realtors. Alex MacLean asked Ms. Good how many agents she anticipated to manage and she responded that she would like to have four agents in her firm. Lawnae Hunter asked Ms. Good to provide more detail about her management experience. Ms. Good explained that she had specific training for supervising/managing and public agency rules are very explicit. Coni Rathbone asked Ms. Good why she did not want to hang her license with a principal broker. Ms. Good responded that she wanted to create an atmosphere that focuses on serving clients.</p> <p>DISCUSSION: None.</p> <p>MOTION TO APPROVE DAHE GOOD'S REQUEST FOR WAIVER OF EXPERIENCE FOR PRINCIPAL BROKER BY DAVE KOCH SECOND BY JOANN HANSEN MOTION CARRIED BY UNANIMOUS VOTE</p>
4.4.16	Lisa Neef	PB	Denied	<p>FACTS: Ms. Neef explained that she owned a transaction coordination business since 2010. Coni Rathbone asked Ms. Neef to explain in more detail what her business entails. Ms. Neef explained that she is hired by brokers to assist them with their paperwork. Pat Ihnat asked Ms. Neef if she interacted with clients and she responded that she has minimal interaction with clients. Dave Koch asked Ms. Neef to clarify her role in the transaction process regarding confidentiality. Ms. Neef clarified that her role is an administrative one.</p> <p>DISCUSSION: Ms. Ihnat asked Dave Koch what he felt about the necessity for license. Mr. Koch responded that in his opinion no license due to conflict. Ms. Ihnat responded situations that included contact with clients may very well cause conflict. Ms. Rathbone explained that a principal broker license is a good idea once Ms. Neef is more seasoned.</p> <p>MOTION TO DENY LISA NEEF'S REQUEST FOR WAIVER OF EXPERIENCE FOR PRINCIPAL BROKER LICENSE BY MARCIA EDWARDS SECOND BY DAVE KOCH MOTION CARRIED BY UNANIMOUS VOTE</p>
4.4.16	Tim Rist	PB	Approved	<p>FACTS: Mr. Rist introduced Lionel Wilson, CEO for Keller Williams and asked him to address the board on his behalf. Mr. Wilson explained that he has known Mr. Rist for about 10 years and he has strong leadership skills. Mr.</p>

				<p>Wilson also summarized Mr. Rist's experience and work history. Coni Rathbone asked Mr. Rist if he intended to stay with Keller Williams. Mr. Rist responded that he did intend to stay with Keller Williams. Chair Hermanski and Ms. Rathbone both asked Mr. Rist to explain what had occurred since his first appearance to make the board change their opinion. Mr. Rist responded that since his first appearance before the board he has obtained a better understanding of ORS Chapter 696, the CTA process, rules. He also explained that he has been on both sides of disputes (buyer/seller).</p> <p>DISCUSSION: None</p> <p>MOTION TO APPROVE TIM RIST'S REQUEST FOR WAIVER OF EXPERIENCE FOR PRINCIPAL BROKER BY CONI RATHBONE SECOND BY ALEX MACLEAN MOTION CARRIED BY UNANIMOUS VOTE</p>
6.6.16	William Patten	PB	Approved	<p>FACTS: Mr. Patten explained that he purchased his firm as a broker two years ago and hired a principal broker to supervise who has since left the firm and he is having difficulty finding another principal broker for hire. He also explained that he only has 4 months remaining to fulfill the 3 year experience requirement and has 25 years of experience in managing leases.</p> <p>DISCUSSION: None.</p> <p>MOTION TO APPROVE WILLIAM PATTEN'S REQUEST FOR EXPERIENCE WAIVER FOR PRINCIPAL BROKER'S LICENSE BY MARCIA EDWARDS SECOND BY PAT IHNAT MOTION CARRIED BY UNANIMOUS VOTE</p>
12.5.16	Joshua Fuhrer	PB	Denied	<p>FACTS: Mr. Fuhrer appeared before the board and explained that he has been in the real estate industry on the commercial side for 13 years as developer and wanted to provide brokerage services in addition to what he currently provides to his clients. He also explained that he currently has 3 partners, he being the primary developer, and he would not be supervising anyone or managing any client trust accounts. Mr. Fuhrer stated although he currently was not a licensed broker, he has passed the exam.</p> <p>DISCUSSION: Alex MacLean asked Vice-Chair Rathbone if she suggested that Mr. Fuhrer hang his license with a principal broker and then reapply for waiver and she responded that she did feel that would be appropriate.</p> <p>MOTION TO DENY REQUEST FOR EXPERIENCE WAIVER SUBMITTED BY JOSHUA FUHRER BY MARCIA EDWARDS SECOND BY DAVE KOCH MOTION CARRIED BY UNANIMOUS VOTE</p>
04.03.17	Shu Merritt	PB	Denied	<p>FACTS: Ms. Merritt appeared before the board and explained that she obtained an international business degree and began working in residential real estate in March of 2015. Alex MacLean asked Ms. Merritt if she intended to stay with Keller Williams and if she was aware that she could have an assistant. Ms. Merritt responded that she did intend to stay with Keller Williams and she needed an assistant to handle unlicensed paperwork. Dave Koch asked Ms. Merritt if she was aware of the tutorial regarding CTA management that is available on the Agency website. Ms. Merritt responded the firm she is currently with, Keller Williams, individual CTA did not exist. Lawnae Hunter clarified that closing transactions and managing brokers are two different things. She also pointed out to Ms. Merritt that she should have the ability to build a team without the principal broker designation. Ms. Merritt explained that although she can build a team she is not able to hire a broker to assist her in showing homes. Coni Rathbone explained to Ms. Merritt that the board was looking for something compelling in order to approve her request for waiver and it appeared the issues she was experiencing could be addressed contractually.</p> <p>DISCUSSION: None</p> <p>MOTION TO DENY REQUEST FOR WAIVER OF EXPERIENCE SUBMITTED BY SHU MERRITT BY DAVE KOCH SECOND BY LAWNAE HUNTER MOTION CARRIED BY UNANIMOUS VOTE</p>
10.02.17	Angie Anderson	PB	Denied	<p>FACTS: Ms. Anderson explained she has been licensed for two years and is seeking a waiver so that she can be available as a principal broker at her property management company. Dave Hamilton asked Ms. Anderson if the current principal broker for the firms is no longer active. Ms. Anderson responded that he is active. Vice Chair Farley asked Ms. Anderson to elaborate on her experience and she explained that she</p>

				joined the company as a family member, obtained her license, and managed the office as a branch manager. She also stated that she did not intend to extend herself into sales at this time. Chair Edwards explained that historically, the board has considered waiver requests from brokers who have expertise in a certain area of the industry and her concern was the principal broker designation gives the authority to manage real estate sales company which is much broader. Pat Ihnat asked Ms. Anderson how many people she would be overseeing on the property management side and Ms. Anderson responded that there are 5 employees. Commissioner Bentley explained that Ms. Anderson could apply for and obtain a property management license which would allow her to run a property management company. Ms. Anderson responded that although she did not sales activity experience, becoming a principal broker would allow her to hire and oversee a broker.
12.04.17	Stacey Harrison	PB	Approved	<p>Stacey Krys-Harrison appeared before the board and explained that she has over 20 years of experience working in the real estate industry in various capacities which has included supervision/managing staff. She also explained that she gained expertise in the understanding of real estate laws and rules as the Education Manager at OREA. Ms. Krys-Harrison stated that her waiver request is based on the necessity of holding a principal broker's license in order to instruct all 3 courses. Alex MacLean asked Ms. Krys-Harrison to clarify what kind of activity is involved in her realty referral company and she responded that she only handles referrals and does not engage in real estate activity. Discussion: Coni Rathbone stated that the board has emphasized to other applicants that experience with the CTA process is important and Ms. Krys-Harrison responded that she does have a good understanding of the CTA process as an escrow officer she maintained accounts and has assisted others in understanding the process. Mr. MacLean responded that Ms. Krys-Harrison has more experience than past applicants and Mr. Koch also stated that although many past applicants have transaction experience, they have not had the administrative experience as Ms. Krys-Harrison does.</p> <p>MOTION TO APPROVE STACEY KRYS-HARRISON'S WAIVER REQUEST BY DAVE KOCH SECOND BY PAT IHNAT</p> <p>MOTION CARRIED BY FIVE AYES (MARCIA EDWARDS, ALEX MACLEAN, DAVE KOCH, DAVE HAMILTON, PAT IHNAT) AND 1 ABSTENTION (CONI RATHBONE) VOTE</p>
04.02.18	Ross Kelley	PB	Approved	<p>FACTS: Ross Kelley requests a waiver of experience to become a principal broker. Mr. Kelley explained his request was based on his legal experience on both residential and commercial real estate and also that his business model would be a small scale of commercial properties. Dave Koch asked Mr. Kelley about his attitude towards managing and Mr. Kelley responded that his goal would be to provide exemplary service and he has reviewed ORS Chapter 696. Mr. Koch asked Mr. Kelley if he had supervision experience and Mr. Kelley responded that has supervised paralegals, attorneys and in his current position as well. Alex MacLean asked Mr. Kelley if he has had any experience with day to day transaction activity and Mr. Kelley responded he has worked with many brokers as well as buyers and sellers.</p> <p>MOTION TO DENY MR. KELLEY'S REQUEST FOR WAIVER OF EXPERIENCE AND RECOMMEND MR. KELLEY MAKE HIS REQUEST AFTER ONE YEAR OF EXPERIENCE BY DAVE KOCH SECOND BY PAT IHNAT</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>
06.04.18	Ryan McGraw	PB		

Oregon Real Estate Board

Experience Requirement Waiver Request

Date: 5/1/2018

Name: Ryan McGraw

Address: 5285 SW Greenwood Circle, Tualatin, OR 97062

Daytime Phone Number: (925) 549-0883 Oregon License Number: 201220775

GENERAL INFORMATION AND DOCUMENTATION

1. I am seeking an experience requirement waiver to become a real estate **PRINCIPAL BROKER**. (ORS 696.022 and OAR 863-014-0040)

2. I am currently licensed as a real estate broker in Oregon: Yes ; No
 If yes, please state the dates for which you held and Oregon real estate license: 3/13/2017 to present.
 Was your Oregon license obtained through a reciprocal agreement with another state? Yes No

3. I am currently licensed or have held a real estate license in another state that was issued by the state's licensing authority: Yes No . Indicate the following

Type of License	State Issued	Dates Active License Held	
Broker (equivalent to Principal Broker)	California	From: 6/13/2016	To Present
		From:	To
		From:	To

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

	Yes	No	Date Completed	Required Documents to be Attached to the Request
Completed the "Broker Administration and Sales Supervision" course for principal real estate brokers. Must be completed PRIOR to waiver request.	x		4/15/2018	Original course certificate
Submitted the Real Estate License Application for Principal Broker license and \$230 fee. Must be completed PRIOR to waiver request.	x		4/7/2018	Copy of confirmation letter received from Agency
Successfully passed the Oregon Principal Broker exam. Must be completed PRIOR to waiver request.	x		4/26/2018	Score report received from testing vendor
Graduated from a four-year college or university with a degree in real estate curriculum approved by the Commissioner.(863-014-0040(2))		x	JD, MBA, 4-year degree. Please see attached for detail.	Official transcript
Graduated with a two-year community college associates degree in real estate curriculum approved by the Commissioner. (863-014-0040(3))		x		Official transcript
Substantial experience in real estate that would qualify for an equivalent to the Commissioner's three year experience requirements. Include any real estate designations achieved while licensed as a broker. (OAR 863-014-0042(c))	x		Please see attached.	Written explanation of the additional real estate experience that you have that would assist in the Board's consideration of your waiver request.
The number and type of real estate transactions (listings and transactions that were closed) you have completed while holding a real estate license in Oregon or in another state.	x		Please see attached.	Provide a document showing the number and types of transactions you have completed while licensed.

REQUIRED DOCUMENTS

Listed below are the required documents (#1-3) to be included in the OREA Board request for an experience waiver.

1. Your letter requesting a waiver of the three year active licensed experience. This letter should:
 - o State the reason for the request, including the compelling reason why you cannot to complete the three years of active licensed experience.
 - o Indicate the real estate experience you have that would be an acceptable substitute for the three years of required experience.
2. Required documentation listed above in the General Information and Documentation section #4.
3. Other experience relating to real estate not covered in questions 2 through 4 that would demonstrate your relevant related experience.

HELPFUL DOCUMENTS

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

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

OTHER REQUIREMENTS

- You will be required to attend the Oregon Real Estate Board meeting when this waiver is discussed. The Board schedule will be communicated in follow-up correspondence upon receipt of your documents.
- Be prepared to answer questions from the Board to support your request.
- Waiver requests must be received at the agency no less than 21 days before the board meets.
- You must submit one original set of the waiver request documents, including a completed and signed "Experience Requirement Waiver Request". E-Mail, mail or deliver the original set to the following address: Madeline Alvarado, Oregon Real Estate Agency, 530 Center Street NE, Suite 100, Salem, Oregon 97301-2505.

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

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

I certify that the above information is true to the best of my knowledge.	
 _____ Signature of Waiver Applicant	5/1/2018 _____ Date

2017 BOARD MEETING DATES, LOCATIONS AND WAIVER PACKET DUE DATES

MEETING DATE	LOCATION	WAIVER PACKET DUE DATE
February 6, 2017	Oregon Real Estate Agency	Jan. 16, 2017
April 3, 2017	Oregon Real Estate Agency	March 13, 2017
June 5, 2017	Lincoln City	May 15, 2017
August 7, 2017	Klamath Falls	July 17, 2017
October 2, 2017	Springfield	September 11, 2017
December 4, 2017	Tigard	November 13, 2017

May 1, 2018

Oregon Real Estate Board

ATTN: Madeline Alvarado

Oregon Real Estate Agency

530 Center Street NE, Suite 100

Salem, OR 97301-2505

Submitted via e-mail to *madeline.c.alvarado@state.or.us* and *orea.board@oregon.gov*

Subject: Real Estate Experience Waiver Request – Ryan McGraw

To Whom it May Concern:

Please find attached my completed Experience Requirement Waiver Request with associated documentation. I respectfully request a waiver from three years of active licensed real estate activity for the following reasons:

- Completion of Juris Doctorate degree at Willamette University (May 2009)
- Completion of Master of Business Administration degree at Willamette University (May 2009)
- Attorney in good standing with no disciplinary record in the State of Oregon since October 2009
- Attorney in good standing with no disciplinary record in the State of California since June 2010
- Unlicensed real estate activity since September 2009, including:
 - o Negotiating commercial real estate leases and easements;
 - o Negotiating residential real estate leases and easements;
 - o Review of title reports and clearing title for commercial developments;
 - o Review of property surveys for commercial developments;
 - o Permitting (state & local) including land use, conditional use agreements, zoning changes, etc.; and
 - o Originating and placing financial investments for commercial developments that are highly dependent on real estate rights.
- Licensed Real Estate Broker (equivalent to Principal Broker) in the State of California with no disciplinary record since June 2016

I have completed all other requirements to become a Principal Broker in Oregon, including the 40-hour “Broker Administration and Sales Supervision” course for principal real estate brokers, the Real Estate License Application for Principal Broker license and associated fee, and passage of the Oregon Principal Broker exam.

In addition, I currently act as President of Orion Energy Group LLC (www.orionrenewables.com) with supervisory duties and responsibility for over \$1,000,000,000 in assets.

Thank you in advance for your consideration. Please feel free to reach out with any questions.

Best regards,



Ryan McGraw

5285 SW Greenwood Circle

Tualatin, OR 97062

Phone: (925) 549-0883

E-mail: mcgraw.ryan@gmail.com

Oregon DRE # 201220775 / CalBRE # 01968512

Oregon Bar # 094371 / California Bar # 269973

Principal Broker Course Completion Certificate

THIS CERTIFICATE WILL VERIFY THAT:

Ryan McGraw

Real Estate License Number: 201220775

Mailing Address of:

5285 SW Greenwood Circle, Tualatin, OR 97062

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

Brokerage Administration and Sales Supervision

The course credit granted is **40 hours** on the date of **April 15, 2018** at www.OnlineEd.com. The date of completion is the date the actual Internet study course examination was actually taken and graded. This course is approved by the Oregon Real Estate Agency to meet the requirements of the Oregon Principal Real Estate Broker - Brokerage Administration and Sales Supervision 40 hour course required as a prerequisite to obtaining an Oregon Principal Real Estate Brokers License.

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

OREGON REAL ESTATE AGENCY CERTIFIED CONTINUING EDUCATION COURSE

PROVIDER COURSE NUMBER: **1038-1039**

THIS COURSE WAS SPONSORED AND THIS CERTIFICATE ISSUED BY:



OnlineEd Inc.

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

Certificate Authentication Number: **560220**

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

Click to verify: <https://www.onlineed.com/VERIFY?0AC9-C85D-8052-B066-04C8>



Payment Receipt

Print Receipt

Return and refund policy OAR 863-001-0007 (http://arcweb.sos.state.or.us/pages/rules/oars_800/oar_863/863_001.html)

Date: 4/7/2018

Invoice # 111547

Confirmation #: ORREAB000106177

Ryan McGraw

Approved!

You have been charged **\$300.00**. Please print a copy for your records from the button above.
This receipt is not a license or an authorization to do business.

Description	Amount
Application - Principal Broker	
Application Fee	\$300.00
Subtotal:	\$300.00
Total:	\$300.00
Amount Paid:	(\$300.00)
Amount Due:	\$0.00

More Online Services

Account

My Account (</Account/UserAccount.aspx>)
 Change Address/Phone (</Activities/Listing.aspx?ID=40>)
 Legal Name Change (</Activities/Listing.aspx?ID=10&CredDefldnt=27>)

License Actions

Print License (</Activities/Listing.aspx?ID=300>)
 Inactivate my License (</Activities/Listing.aspx?ID=250>)

License Applications

Property Manager Application (</Activities/Listing.aspx?ID=10&CredDefldnt=8>)
 Principal Broker Application (</Activities/Listing.aspx?ID=10&CredDefldnt=2>)

License Lookup & Download Lists

Oregon Certified License History (</Lookup/OnlineReports.aspx?ID=340>)

License Lookup (/Lookup/LicenseLookup.aspx)
Generate List(s) (/Lookup/GenerateRoster.aspx)
Download List(s) (/Lookup/DownloadRoster.aspx)

Continuing Education

Add Continuing Education (/Activities/Listing.aspx?ID=310)
Continuing Education Record (/Lookup/OnlineReports.aspx?ID=340&https://orea.elicense.irondata.com/Lookup/OnlineReportExecute.aspx?queryID=2150)

About Us

The Oregon Real Estate Agency licenses and regulates real estate brokers, principal brokers, property managers and escrow agents. Find additional information on the Agency at www.oregon.gov/rea (<http://www.oregon.gov/rea>)

Contact Us

Find us at:

530 Center St. NE Ste. 100, Salem OR 97301

Send mail to:

530 Center St. NE Ste. 100, Salem, OR 97301

✉ orea.info@oregon.gov

☎ 503-378-4170

📠 503-378-2491



CLOSED SALES (5) CLOSED RENTALS (0) CLOSED REFERRALS (0)

5/1/2018

Search Information

Distribution Date From:	Distribution Date To:	Showing:	Searching For:
2/1/2017	5/1/2018	Sales, Rentals, Referrals	

Transaction Distribution Information

Type	Address	File Number	Date	Price	Gross Commission	Fees
Sale	19309 Windmill Drive #7, Oregon City, Oregon 97045	S1701985	Escrow: 1/16/2018	\$484,900.00	\$6,011.25	\$522.50
Sale	14019 Caufield Road, Oregon City, Oregon 97045	S1700655	Escrow: 7/7/2017	\$296,000.00	\$3,330.00	\$272.50
Sale	19316 Friars Lane, Oregon City, Oregon 97045	S1701877	Escrow: 12/22/2017	\$394,000.00	\$4,925.00	\$272.50
Sale	1255 Peace Street, Salem, Oregon 97302	S1701246	Escrow: 8/25/2017	\$192,000.00	\$2,880.00	\$272.50
Sale	768 Julie Lane, Molalla, Oregon 97038	S1700575	Escrow: 5/30/2017	\$327,500.00	\$4,912.50	\$547.50
Grand Total:					\$22,058.75	\$1,887.50

Provided by HomeSmart Realty Group
3240 Commercial Street Southeast, Suite 100, Salem, OR 97302

BUREAU OF REAL ESTATE

1651 Exposition Boulevard
 P. O. Box 137013
 Sacramento, CA 95813-7013
 (916) 263-8980



September 19, 2017

Oregon Real Estate Agency
 1177 Center Street NE
 Salem, Oregon 97301-2505

RE: RYAN DAVID MCGRAW - B/01968512

****EMPLOYMENT HISTORY CERTIFICATION****

This is to certify that RYAN DAVID MCGRAW, B/01968512, is licensed as a real estate broker in the State of California. A written examination was taken and passed on 02/04/2016, with a score of 75% or better to obtain a California real estate broker license. The examination is qualifying in nature; therefore, an exact final score is not provided for successful applicants or made available for reporting purposes.

Original Broker license issued:	06/13/2016
Expiration date of license:	06/12/2020

Effective Date	HISTORY
06/13/16	Original Broker license issued, activated with main office address 9260 Alcosta Blvd Suite C-16, San Ramon 94583. Also licensed as a Broker/Officer of Waystone Realty, Inc , C/02010376, from 06/21/16 to 06/20/20

FORMAL ADMINISTRATIVE FILING: NONE

I, Jeffrey Oboyski, the Official Custodian of Records, hereby certify that the foregoing history is true and correct, as extracted from the records of Bureau of Real Estate, this 19th day of September, 2017.


 Supervising Special Investigator II,
 Bureau of Real Estate
 State of California

OSB Membership Directory

[New Search](#)

Mr. Ryan McGraw

Bar Number 094371

Status Active Member

Admit Date 10/8/2009

Email mcgraw.ryan@gmail.com

Disciplinary History

Date	Sanctions	Details	Source
No Disciplinary Sanctions for this Member			

Sanction Definitions

Reprimand: A form of disciplinary action that declares a lawyer's conduct to be improper, but does not restrict or limit the lawyer's ability to practice law, usually because the misconduct is not particularly aggravated or serious.

Suspension: A form of disciplinary action that prohibits a lawyer from practicing law for a period of time. The length of suspension may range from 30 days to five years, depending on the nature of the lawyer's misconduct.

Probation: In some cases, a lawyer whose conduct warrants a disciplinary suspension may nevertheless continue to practice law, provided the lawyer complies with terms of probation for a period of time.

Disbarment: The permanent removal of a lawyer from the practice of law in Oregon, due to the extreme nature of the lawyer's misconduct.

Resigned - A lawyer who resigns from the Oregon State Bar while a disciplinary investigation or **Disciplinary:** proceeding is pending forfeits his or her right to ever practice law in Oregon again.

This summary only includes final dispositions. Pending inquiries, grievances, and investigations are not shown. Contact the Public Records Coordinator for additional information: disciplineonweb@osbar.org
(503) 431-6394 or (800) 452-8260 x394.


Ryan David McGraw - #269973
Current Status: Active

This attorney is active and may practice law in California.

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number:	269973	Phone Number:	(510) 267-9322
Address:	Orion Renewable Energy Group LLC 155 Grand Ave Ste 706 Oakland, CA 94612 Map it	Fax Number:	Not Available
Email:	rmcgraw@orionrenewables.com	Undergraduate School:	Univ of California Davis; Davis CA
County:	Alameda	Law School:	Willamette Univ COL; Salem OR
District:	District 1		
CLA Sections:	None		

California Lawyers Association (CLA) is an independent organization and is not part of The State Bar of California.

Status History

Effective Date	Status Change
Present	Active
6/2/2010	Admitted to The State Bar of California

Actions Affecting Eligibility to Practice Law in California
Disciplinary and Related Actions

This member has no public record of discipline.

Administrative Actions

This member has no public record of administrative actions.

EQUIVALENT EXPERIENCE VERIFICATION

RE 227 (Rev. 7/13)

Note:

This form is for *unlicensed* real estate equivalent experience only.

Please read instructions below before completing this form.

Instructions

- Submit this form with a completed Broker Examination Application (RE 400B) and the proper fee for the broker examination.
- Read carefully before completing and signing this form.
- Type or print clearly in ink.
- Poor photocopies (distorted, light, etc.) or illegible fax copies are not acceptable.
- If you electronically re-create this form to facilitate completion on a computer, please be advised that the form should not be altered in any manner. To do so, could result in disciplinary action. Also, please make certain you do not delete any preprinted information and are using the latest version of the form.

Equivalent Experience

An applicant for the broker examination who has not been a licensed real estate salesperson may be eligible for the

examination provided the applicant has acceptable equivalent experience. Regardless of the experience, the statutory real estate courses are required and do not qualify as part of the experience. Refer to the *Instructions To License Applicants* brochure for types of equivalent experience that are acceptable.

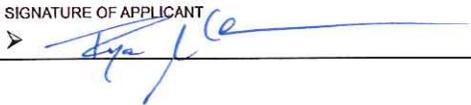
To make a proper evaluation of the applicant's equivalent experience, this form must be completed in full and properly signed by the applicant and the certifiers. If a detailed description of the applicant's experience and supporting documents (i.e. W2's, 1099) are not provided, the experience evaluation may be delayed.

- **Two signatures are required on each form** (i.e., employers, associates, or other person verifying applicant's experience). These individuals must also explain how they are aware of the applicant's experience.
- Submit *one* form for *each* job performed and/or company employed by.

Example:

Three forms would be required for the following experience:

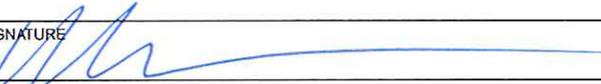
- 3 years as an escrow officer for Company A
- 2 years as an escrow officer for Company B
- 5 years as a loan officer for Company B

EQUIVALENT EXPERIENCE	
1. APPLICANT'S NAME — LAST, FIRST & MIDDLE McGraw, Ryan David	
2. APPLICANT'S RESIDENCE ADDRESS — STREET ADDRESS, CITY, STATE, & ZIP CODE 2560 Saratoga Ave, Concord, CA 94519	
3. NAME OF EMPLOYER Orion Renewable Energy Group LLC	
4. TYPE OF EXPERIENCE CLAIM Member of the California State Bar	
CA State Bar Number: 269973	
5. APPROXIMATE VOLUME OF ACTIVITY COMPLETED WHILE PERFORMING IN THE ABOVE CAPACITY? N/A	6. APPROXIMATE EARNINGS \$160,000
7A. DETAILED DESCRIPTION OF RESPONSIBILITIES (ATTACH EXTRA SHEETS IF NECESSARY.) Commercial real estate leasing & easements; residential real estate easements; review of title reports; review of property surveys; clearing of title for property rights; financial investments based on real property rights; permitting (state & local) of property rights; commercial, residential and governmental negotiations for property rights.	
7B. Were you employed by a California Finance Lender (CFL) licensed by the Department of Corporations?..... <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, provide the CFL license number,	
8. WORK TIME DEVOTED <input checked="" type="checkbox"/> FULL TIME <input type="checkbox"/> PART TIME	9. APPROX. HOURS PER WEEK 40
10. CONTINUOUS EMPLOYMENT CERTIFICATION (MM/DD/YY) FROM 11/28/2011 TO Present	
SIGNATURE OF APPLICANT 	DATE 10/3/2014

Continued on reverse side.

Certification

We, the undersigned, hereby certify to the nature and scope of the applicant's activities as indicated on page 1.

Certifier #1	CERTIFYING SIGNATURE »» 		DATE 10.16.14
	PRINTED NAME OF SIGNER Reid Buckley		TITLE Vice President
	COMPANY OR CORPORATION NAME (IF ANY) Orion Renewable Energy Group LLC		
	BUSINESS ADDRESS 155 Grand Ave, Suite 706, Oakland, CA 94612		BUSINESS TELEPHONE NUMBER (510) 768-7730
	Do you hold a California real estate license?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If YES, list the identification number.
Was the applicant employed by this company or you during the period indicated above?.....		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Explain how you are aware of the applicant's experience:			
Direct management of applicant and review of applicant's work product.			
Certifier #2	CERTIFYING SIGNATURE »» 		DATE 10/6/2014
	PRINTED NAME OF SIGNER Michael Haas		TITLE CEO
	COMPANY OR CORPORATION NAME (IF ANY) Orion Renewable Energy Group LLC		
	BUSINESS ADDRESS 155 Grand Ave, Suite 706, Oakland, CA 94612		BUSINESS TELEPHONE NUMBER (510) 267-8921
	Do you hold a California real estate license?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If YES, list the identification number.
Was the applicant employed by this company or you during the period indicated above?.....		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Explain how you are aware of the applicant's experience:			
Direct management of applicant and review of applicant's work product.			

EQUIVALENT EXPERIENCE VERIFICATION

RE 227 (Rev. 7/13)

Note:

This form is for *unlicensed* real estate equivalent experience only.

Please read instructions below before completing this form.

Instructions

- Submit this form with a completed Broker Examination Application (RE 400B) and the proper fee for the broker examination.
- Read carefully before completing and signing this form.
- Type or print clearly in ink.
- Poor photocopies (distorted, light, etc.) or illegible fax copies are not acceptable.
- If you electronically re-create this form to facilitate completion on a computer, please be advised that the form should not be altered in any manner. To do so, could result in disciplinary action. Also, please make certain you do not delete any preprinted information and are using the latest version of the form.

Equivalent Experience

An applicant for the broker examination who has not been a licensed real estate salesperson may be eligible for the

examination provided the applicant has acceptable equivalent experience. Regardless of the experience, the statutory real estate courses are required and do not qualify as part of the experience. Refer to the *Instructions To License Applicants* brochure for types of equivalent experience that are acceptable.

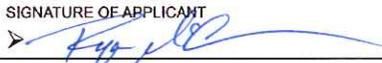
To make a proper evaluation of the applicant's equivalent experience, this form must be completed in full and properly signed by the applicant and the certifiers. If a detailed description of the applicant's experience and supporting documents (i.e. W2's, 1099) are not provided, the experience evaluation may be delayed.

- **Two signatures are required on each form** (i.e., employers, associates, or other person verifying applicant's experience). These individuals must also explain how they are aware of the applicant's experience.
- Submit *one* form for *each* job performed and/or company employed by.

Example:

Three forms would be required for the following experience:

- 3 years as an escrow officer for Company A
- 2 years as an escrow officer for Company B
- 5 years as a loan officer for Company B

EQUIVALENT EXPERIENCE	
1. APPLICANT'S NAME — LAST, FIRST & MIDDLE McGraw, Ryan David	
2. APPLICANT'S RESIDENCE ADDRESS — STREET ADDRESS, CITY, STATE, & ZIP CODE 2560 Saratoga Ave, Concord, CA 94519	
3. NAME OF EMPLOYER Orion Renewable Energy Group LLC	
4. TYPE OF EXPERIENCE CLAIM Member of the California State Bar	
CA State Bar Number: 269973	
5. APPROXIMATE VOLUME OF ACTIVITY COMPLETED WHILE PERFORMING IN THE ABOVE CAPACITY? N/A	6. APPROXIMATE EARNINGS \$160,000
7A. DETAILED DESCRIPTION OF RESPONSIBILITIES (ATTACH EXTRA SHEETS IF NECESSARY.) Commercial real estate leasing & easements; residential real estate easements; review of title reports; review of property surveys; clearing of title for property rights; financial investments based on real property rights; permitting (state & local) of property rights; commercial, residential and governmental negotiations for property rights.	
7B. Were you employed by a California Finance Lender (CFL) licensed by the Department of Corporations?..... <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, provide the CFL license number:	
8. WORK TIME DEVOTED <input checked="" type="checkbox"/> FULL TIME <input type="checkbox"/> PART TIME	9. APPROX. HOURS PER WEEK 40
10. CONTINUOUS EMPLOYMENT CERTIFICATION (MM/DD/YY) FROM 09/14/2009 TO 11/25/2011	
SIGNATURE OF APPLICANT 	
DATE 10/3/2014	

Continued on reverse side.

Certification

We, the undersigned, hereby certify to the nature and scope of the applicant's activities as indicated on page 1.

Certifier #1

CERTIFYING SIGNATURE »» <i>William L. Damon</i>	DATE 10/06/14
PRINTED NAME OF SIGNER William Damon	TITLE Vice President
COMPANY OR CORPORATION NAME (IF ANY) PowerWorks LLC	
BUSINESS ADDRESS 15850P Jess Ranch Road, Tracy, CA 95377	BUSINESS TELEPHONE NUMBER (925) 724-0175
Do you hold a California real estate license?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If YES, list the identification number.	
Was the applicant employed by this company or you during the period indicated above?.....	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Explain how you are aware of the applicant's experience:	

Direct management of applicant and review of applicant's work product.

Certifier #2

CERTIFYING SIGNATURE »»	DATE
PRINTED NAME OF SIGNER Tom Fetzer	TITLE Vice President & CFO
COMPANY OR CORPORATION NAME (IF ANY) PowerWorks LLC	
BUSINESS ADDRESS 4255 S. Nickel Creek Place	BUSINESS TELEPHONE NUMBER (208) 888-7960
Do you hold a California real estate license?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If YES, list the identification number.	
Was the applicant employed by this company or you during the period indicated above?.....	<input type="checkbox"/> Yes <input type="checkbox"/> No
Explain how you are aware of the applicant's experience:	

Direct management of applicant and review of applicant's work product.

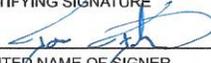
Certification

We, the undersigned, hereby certify to the nature and scope of the applicant's activities as indicated on page 1.

Certifier #1

CERTIFYING SIGNATURE »»	DATE
PRINTED NAME OF SIGNER William Damon	TITLE Vice President
COMPANY OR CORPORATION NAME (IF ANY) PowerWorks LLC	
BUSINESS ADDRESS 15850P Jess Ranch Road, Tracy, CA 95377	BUSINESS TELEPHONE NUMBER (925) 724-0175
Do you hold a California real estate license?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If YES, list the identification number.	_____
Was the applicant employed by this company or you during the period indicated above?.....	<input type="checkbox"/> Yes <input type="checkbox"/> No
Explain how you are aware of the applicant's experience:	
Direct management of applicant and review of applicant's work product.	

Certifier #2

CERTIFYING SIGNATURE »» 	DATE 10/3/14
PRINTED NAME OF SIGNER Tom Fetzer	TITLE Vice President & CFO
COMPANY OR CORPORATION NAME (IF ANY) PowerWorks LLC	
BUSINESS ADDRESS 4255 S. Nickel Creek Place	BUSINESS TELEPHONE NUMBER (208) 888-7960
Do you hold a California real estate license?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If YES, list the identification number.	_____
Was the applicant employed by this company or you during the period indicated above?.....	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Explain how you are aware of the applicant's experience:	
Direct management of applicant and review of applicant's work product.	

**AGENDA ITEM NO.
IV.**

**OREGON REAL ESTATE BOARD
CEP LOG
2016-2018**

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	<p>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</p> <p>DISCUSSION: None.</p> <p>MOTION TO APPROVE CMPS INSTITUTE'S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY MARCIA EDWARDS</p> <p>SECOND BY LAWNAE HUNTER</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>
10.3.16	Michelle Moore	APPROVED	<p>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.</p> <p>DISCUSSION: None</p> <p>MOTION TO APPROVE BY DAVE KOCH</p> <p>SECOND BY LAWNAE HUNTER</p> <p>MOTION CARRIED BY UNANIMOUS VOTE</p>
12.05.16	Brix Law LLP	APPROVED	<p>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.</p> <p>DISCUSSION: None.</p>
02.06.17	Systems Effect LLC	APPROVED	<p>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.</p> <p>DISCUSSION: None.</p>
02.06.17	American Dream Real Estate School LLC	APPROVED	<p>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.</p> <p>DISCUSSION: None</p>

02.06.17	Asset Preservation Inc.	APPROVED	<p>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 nations 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.</p> <p>DISCUSSION: None.</p>
02.06.17	Military Mortgage Boot Camp	APPROVED	<p>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.</p> <p>DISCUSSION: None</p>
02.06.17	Fairway Independent Mortgage Corp.	APPROVED	<p>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</p> <p>DISCUSSION: None.</p>
04.03.17	Envoy	APPROVED	<p>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.</p> <p>DISCUSSION: None</p>
04.03.17	Oregon Rental Housing Association Education Inc.	APPROVED	<p>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.</p> <p>DISCUSSION: None</p>
06.05.17	Mason McDuffie Mortgage Corp.	APPROVED	<p>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.</p> <p>DISCUSSION: None</p>
8.7.17	Real Estate Training Institute, a division of Certified Training Institution	APPROVED	<p>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.</p> <p>DISCUSSION: None</p>
10.02.17	Housing and Community Services Agency of Lane County	APPROVED	<p>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</p>

			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	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. DISCUSSION: None MOTION TO APROVE MS. SHAPIRO’S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY DAVE HAMILTON SECOND BY ALEX MACLEAN MOTION CARRIED BY UNANIMOUS VOTE
04.02.18	Sirmon Training & Consulting Group – Jason Sirmon	APPROVED	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. DISCUSSION: None 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

6.4.18	Finance of America Mortgage		



**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

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 Finance of America Mortgage Phone Number 858 623 4204
 Physical Address 12550 SE 93rd AVE Address Cont. Ste. 350
 City Clackamas State OR Zip Code 97015 County Clackamas
 E-mail afloves@fareverse.com
 Mailing Address (if different) 8023 E 63rd PL Address Cont. Ste. 700
 City Tulsa State OK Zip Code 74133 County Tulsa

AUTHORIZED CONTACT PERSON

Prefix MS First Name Alina Last Name Flores
 Phone Number 858 623 4204 E-mail afloves@fareverse.com
 Indicate who will appear before the board on behalf of the Petitioner: Austin Strode

AGENCY USE ONLY

Approved by Board YES NO

Review Date _____

HAGEDORN Leandra * REA

From: ALVARADO Madeline C * REA
Sent: Tuesday, May 22, 2018 3:01 PM
To: Alina Flores
Cc: HAGEDORN Leandra * REA
Subject: RE: Petition application
Attachments: 20180521090038259.pdf; Finance of America Reverse-OR.DOCX

Good morning,

The Oregon Real Estate Agency has received the Petition to Qualify as a Continuing Education Provider for Finance of America Mortgage.

Please allow this email to serve as confirmation that you will be attending either in person at the Board meeting scheduled on **June 4, 2018 in Bend** (http://www.oregon.gov/rea/about_us/Pages/Real_Estate_Board.aspx), or you can schedule to appear by phone. If you wish to appear by phone, please contact **Leandra Hagedorn at (503) 378-6543**.

Please be sure to familiarize yourself with our rules because you may be asked specific questions relating to them.

In addition, in previous correspondence you state that your demonstrated expertise in at least two of approved topics is

:

(h) real estate disclosure requirements

(t) real estate finance

If you have any other questions or concerns, please feel free to contact me directly.

Sincerely,

Maddy

Madeline Alvarado | Customer Service Manager
Oregon Real Estate Agency
530 Center St. NE Ste. 100, Salem, Oregon 97301-2505
503-378-4590 | Fax: 503-378-2491
madeline.c.alvarado@oregon.gov | www.oregon.gov/rea

From: Alina Flores [mailto:aflores@fareverse.com]
Sent: Tuesday, May 22, 2018 9:07 AM
To: ALVARADO Madeline C * REA <Madeline.C.ALVARADO@oregon.gov>
Cc: Christina Danish <CDanish@fareverse.com>
Subject: RE: Petition application

Good morning Madeline,

Just wanted to double check to see if you received my response below yesterday?

Thank you,

Austin Jeffrey Strode
(503) 880-6369
astrode@financeofamerica.com

Profile

Reverse Lending specialist, with an expertise in training, education, and leadership. Experience in the mission field and investment banking with a desire to serve others.

Experience

Reverse Lending Division Manager/Mortgage Advisor 11/2015-Current

Originate loans, and leading one of the top reverse mortgage companies in America with maximizing their sales and improve the client experience.

Research Analyst (Internship), Paine Pacific, 6/2014-9/2014

Leader in company research for current and prospective clients, calculate projected P&L statements and project management for clients, and spearheaded the search for buyers for many of the companies in our current portfolio.

Fitness Center Supervisor, Walla Walla University, 9/2013-6/2015

Ensure all equipment is cleaned and prepared for use. Supervise the facility and help gym members with their needs. Provided off hours personal weight training for students on campus.

Physical Education And Health/English Teacher, Majuro, Marshall Islands, 7/2011-5/2012

This was when I chose to take 10 months off of school to become a student missionary. Taught grade school and junior high Physical Education, Health and English. Coached the high school basketball and volleyball teams.

Assistant Technician, Strode's Refrigeration, Summers 2008-2010

Assisted the service techs and learned how to best interact with clients.

Education

Portland Adventist Academy (Class of 2010)

Walla Walla University Class of 2015

B.B.A Business Administration with Finance concentration, minor in Economics

College GPA 3.55

Skills

Strong leadership and communication skills developed as a teacher of students learning a second language, while serving as a missionary. High analytical skills developed in my time as a research analyst for a top firm in Portland, OR. The captain of my high school varsity basketball and golf teams where I went to the state tournament a combined six times between the two sports.

References

Bruce Thorn

Professor at Walla Walla University

bruce.thorn@wallawalla.edu

harvest3@gmail.com (Summer email)

(509) 629-2550

Tara Gordon

Director of Client Relations at Paine Pacific

tgordon@painePacific.com

(503) 956-1854

Kyle Chaisson

WWU Fitness Center Manager

kyle.chaisson@wallawalla.edu

(303) 408-7182

Finance of America Reverse (FAR) is a mortgage lender that specializes as a leader in the Home Equity Conversion Mortgage Industry (also known as Reverse Mortgages). The Learning and Development division that is petitioning to become a Continuing Education Provider has a main purpose of educating sales professionals, consumers, individuals, Real Estate Agents, Financial Planners and Attorneys to assist their clients and have an understating of the importance of utilizing home equity for older adult financial longevity. FAR is approved to teach the CE course HECM for Purchase for Realtors in seven states. We feel this is a great opportunity to enhance a realtor's portfolio. Our instructors have a combined 30 years of experience in HECM industry and are leaders in the National Reverse Mortgage Lenders Association with regard to ethical education. We will demonstrate how an older adult 62 and older can purchase a home and obtain a HECM simultaneously without incurring a monthly mortgage payment. Nor are the credit and income qualifications as stringent as conventional lending products. The borrower even has the opportunity to create a line of credit that provides increased liquidity of equity as the borrower ages. FAR has educated over 1000 realtors nationwide and has gotten raving reviews on the increased knowledge obtained from these presentations. Due to the rapidly increasing number of older adult homebuyers who are relocating more than ever, any Real Estate Professional will benefit greatly by understanding the options available for this growing market of home buyers/sellers.

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Rulemaking Update

As noted in our last report the agency is engaged in rulemaking in response to HB 4048 (2018 Session). HB 4048 created an advanced brokerage practices course for Principal Brokers. A version of HB 4048 was initially introduced in the 2017 session as HB 3099. Several issues were identified with earlier version and feedback was provided to OAR. That bill died in committee and the agency worked with OAR on a redraft that was then submitted for the 2018 session and resulted in HB 4048. The agency has completed initial draft revisions to rules as required to comply with HB 4048. A blacklined version of the proposed revisions is attached to the Board packet.

The agency is also engaged in a rulemaking regarding the background check process. All agencies are now required to conform to the standards for background checks outlined in the Department of Administrative Services (DAS) administrative rules. Our agency has worked in conjunction with our HR staff at ODFW to comply with those requirements. The rules relating to background checks are divided into two divisions, one related to employees (division 3), and rules related to background checks for licensee applicants (division 5). The rule revisions for employee background checks are now ready for review and are also attached to the board packet. Rules revisions for division 5 (licensees) will follow at a later time.

For the sake of efficiency, the rules changes implementing the PB AP course and background checks for employees have been combined into one rulemaking process. After review by the Board, the agency will file an initial notice of rulemaking activity, notify concerned parties, and create an advisory committee to provide input on the proposed rules. When that process is complete the agency will hold a hearing open to the public for additional input prior to finalizing the rules revisions and filing them with the Secretary of State's office.

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Overview

Principal Broker Advanced Practices Course: 27 hours

The 27-hour advanced practices course must include 27 clock-hours allocated among topics in the number of hours as follows:

1. (4 hours) Brokerage Practices, 7 exam questions
2. (4 hours) Supervision and Managing Real Estate Licensees, 9 exam questions
3. (3 hours) Clients' Trust Accounts, 10 exam questions
4. (3 hours) Records and Maintenance, 6 exam questions
5. (4 hours) Property Management, 8 exam questions
6. (3 hours) Advertising, 8 exam questions
7. (3 hours) Affirmative Duties of Agent & Agency Relationships, 6 exam questions
8. (3 hours) Professional Real Estate Activity, 6 exam questions

Principal Broker Advanced Practices Course Requirements and Learning Objectives

Final Examination: 60 questions. Student must receive a passing score of at least 75% on a final examination.

Course Requirements

The 27-hour principal broker advanced practices course must include 27 clock-hours allocated among topics and learning objectives in the number of hours as follows:

1. Brokerage Practices

Learning Objectives. After completing this section, the student will be able to:

- Describe business entities, have definitional understanding, and recognize the implications of the various forms of business structures including, Assumed Business Name, Limited Liability Company, Sole Proprietorships, General Partnerships, Corporations, etc. (ORS Chapter 648, Chapter 58, Chapter 60, Chapter 62, Chapter 63, Chapter 65, Chapter 67, Chapter 70, Chapter 128, Chapter 554 and Chapter 647)
- Describe the business registration requirements of the Oregon Secretary of State, which is separate from the Agency's registration requirements.
- Explain the responsibilities for the Registered Business Name's registration, maintenance, and renewal using the eLicense system. (ORS 696.026 and 696.200, OAR 863-014-0095 and OAR 863-014-0097)
- Explain principles of business planning and budgeting.
- Describe the legal requirements for main real estate offices and branch offices. (ORS 696.200, OAR 863-014-0095 and OAR 863-014-0100)
- Explain the responsibility for closing a Registered Business Name in eLicense. (ORS 696.026 and OAR 863-014-0095)

2. Supervision and Managing Real Estate Licensees

Learning Objectives. After completing this section, the student will be able to:

- Explain when a written supervisory agreement is required. (ORS 696.310)
- Describe the required components of a written supervisory agreement. (ORS 696.310 and OAR 863-014-0085)
- Describe the responsibility and requirements of supervising licensees in Oregon. (OAR 863-015-0140)
- Explain when commissions can be received and who compensation can be shared with. (696.290 and OAR 863-015-0145)

- Describe the difference between employees vs. independent contractors. (ORS 696.363)
- Explain the requirement for utilizing eLicense for license transfers, inactivations, and reactivations. (OAR 863-014-0063 and OAR 863-014-0065)
- Explain the responsibility of all real estate licensees to notify the Agency of changes to their personal email and mailing address. (OAR 863-014-0062)
- Describe impact of disciplinary action on licensees. (ORS 696.301)

3. Clients' Trust Accounts

Learning Objectives. After completing this section, the student will be able to:

- Explain when a clients' trust account is required for a real estate transaction. (OAR 863-015-0255)
- Explain when a clients' trust account is required for property management. (OAR 863-025-0025)
- Explain the Commissioner is authorized to obtain information concerning the clients' trust account upon request. (ORS 696.245, ORS 696.280, ORS 696.990(6), OAR 863-025-0090, 863-015-0260, 863-015-0275, 863-0025-0027 and 863-025-0035)
- Describe how to report a new clients' trust account or the closing of an old clients' trust account from eLicense. (ORS 696.245; OAR 863-025-0025 and OAR 863-015-0255)
- Describe the requirement to have the "Notice of Clients' Trust Account & Authorization to Examine" form signed by a bank representative and to electronically upload the completed document in eLicense for each new clients' trust account. (ORS 696.245 and OAR 863-025-0025)
- Explain how to properly label clients' trust accounts on all bank records and checks. (OAR 863-025-0010, 863-025-0025 and 863-015-0255)
- Prepare a compliant 3-way CTA reconciliation. (OAR 863-015-0275 and 863-025-0028)
- Describe the required components, entries and record keeping for: ledgers, receipts, and record of receipts & disbursements. (OAR 863-015-0257, 863-015-0259, 863-015-0275, 863-025-0027, 863-025-0028, 863-025-0040, 863-025-0050, 863-025-0055, 863-025-0060 and 863-025-0065)
- Identify which funds may be maintained in a CTA and which funds may not (commingling). (ORS 696.241)
- Describe the procedure that may be used to disburse disputed funds. (ORS 696.241, OAR 863-015-0186)
- Explain what duties may be delegated to other individuals and the requirements in order to do so. (OAR 863-025-0015)

4. Records and Maintenance

Learning Objectives. After completing this section, the student will be able to:

- Describe the records and maintenance (including storage and production requirements) that is required under law and rule for real estate transactions, property management, and continuing education. (ORS 696.280, OAR 863-015-0250, 863-015-0260, 863-025-0035, 863-020-0015 and 863-020-0055)
- Describe under what conditions electronic storage of records is allowed. (OAR 863-015-0260)
- Explain the required timeframe for the submission of records to the principal broker and the principal broker's review of documents of agreements. (OAR 863-015-0140 and OAR 863-015-0250)

5. Property Management

Learning Objectives. After completing this section, the student will be able to:

- Describe the requirements for property management agreements and tenant rental/lease agreements. (ORS 696.010, OAR 863-025-0020 and OAR 863-025-0045)
- Describe the tasks a property manager must complete when a property management agreement is terminated and recall the associated timeframes. (OAR 863-025-0070)
- Describe the required components for property management agreements. (OAR 863-025-0020)
- Describe the required components for tenant agreements. (OAR 863-025-0045)
- Describe the laws relating to the rights and duties of tenants and landlords and apply the law to a real estate licensee engaging in the management of rental real estate. (Oregon Residential Landlord and Tenant Act under ORS Chapter 90)

6. Advertising

Learning Objectives. After completing this section, the student will be able to:

- Describe the requirements for "team" or "group" advertising. (OAR 863-015-0125(11))
- Describe the requirements for advertising in electronic media including social media. (OAR 863-015-0125(9))

- Explain the “owner written permission” requirement for advertising. (OAR 863-015-0125(2)(e))
- Explain what advertising is as defined in Oregon administrative rule. (OAR 863-015-0125(6))
- Describe the scope of the principal broker’s responsibility for advertising done under the name of the Registered Business Name. (OAR 863-015-0125)
- Explain the requirement for the principal broker to review and approve advertising. (OAR 863-015-0125(5)(a)(b))
- Describe how non-licensed employees can be included in advertising. (OAR 863-015-0125(11)(e))

7. Affirmative Duties of Agent & Agency Relationships

After completing this section, the student will be able to:

- Explain the requirement of disclosing material facts. (ORS 696.805-696.815)
- Describe the types of agency relationships and requirements for each. (OAR 863-015-0200)
- Describe the affirmative duties a broker, principal broker and property manager owes to buyers, sellers, both, and/or property owners. (ORS 696.805- 696.815, 696.890 and OAR 863-015-0200)

8. Professional Real Estate Activity

Learning Objective. After completing this section, the student will be able to:

- Explain how to handle offers, counter offers and multiple offers. (ORS 696.805, ORS 696.810 and OAR 863-015-0135)
- Describe the required components for listing agreements. (OAR 863-015-0130)
- Describe the required components for offers to purchase (OAR 863-015-0135)
- Explain the requirements for a transaction involving licensee as a principal to the transaction. (OAR 863-015-0145)

**AGENDA ITEM NO.
V. A. 2.**

**2018
OREGON ADMINISTRATIVE
RULES COMPILATION**

**CHAPTER 863
Real Estate Agency**



Rules effective as of March 14, 2018

Oregon Administrative Rules Compilation

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DIVISION 20
REAL ESTATE CONTINUING EDUCATION

863-020-0000

Applicability and Purpose

(1) This division applies to licensed real estate brokers, principal real estate brokers, real estate property managers, continuing education providers, and instructors who teach courses for continuing education providers.

(2) For all real estate licensees, the purpose of this division is to set forth continuing education requirements for license renewals, including:

(a) Courses that meet the requirements for course topics and learning objectives in this division 20;

(b) A Board-approved three-hour law and rule required course on recent changes in rule and law, described in OAR 863022-0055, required for all licensees;

(c) A 27-hour [broker advanced practices course in real estate practices](#), described in OAR 863-022-0020, required for real estate brokers before the first active renewal of the broker's license or before the first license reactivation following an inactive first renewal;

(d) A 27-hour [principal broker advanced practices course described in OAR 863-022-00xx, required for principal real estate brokers before the first active renewal of the principal broker's license or before the first license reactivation following an inactive first renewal](#);

(e) A 27-hour property manager advanced practices course described in OAR 863-022-0022, required for licensed real estate property managers before the first active renewal of the property manager's license or before the first license reactivation following an inactive first renewal;

(f) The 40-hour brokerage administration and sales supervision course, described in OAR 863-022-0025, for an initial principal real estate broker license application; and Continuing education record-keeping requirements for all licensees.

(3) For continuing education providers, the purpose of this division is to set forth:

(a) The application requirements for certification as a real estate continuing education course provider; and

(b) The responsibilities of continuing education course providers; including:

(A) Ensuring that courses offered by the provider meet the eligible course topics, learning objectives, and length of course requirements;

(B) Maintaining required records in paper or electronic format, as directed by the Agency.

(C) Providing real estate licensees with certificates of completion for each course that meet the requirements for certificates of completion; and

(D) Ensuring that each instructor who will teach a course offered by a provider meets instructor qualifications and completes a continuing education instructor form.

(4) For instructors who teach courses for continuing education providers, the purpose of this division is to set forth the instructor qualifications, set out on the instructor form that is completed by the instructor and given to the continuing education provider.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.174, ORS 696.182, ORS 696.184, ORS 696.186

History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018; REA 6-2014, f. 4-14-14, cert. ef. 4-28-14; REA 12013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-020-0005

Definitions

As used in this division, unless the context requires otherwise:

(1) "Agency" means the Oregon Real Estate Agency.

(2) "Applicant" means either an individual as defined in section (7) of this rule, or a person as defined in section (10) of this rule.

(3) "Board" means the Oregon Real Estate Board.

(4) "Commissioner" means the Real Estate Commissioner.

(5) "Continuing education credit hour" means one hour of instruction provided by a continuing education provider.

(6) "Continuing education provider" means a person certified by the Agency under OAR 863-020-0030 to offer real estate continuing education courses that are eligible for credit. The continuing education courses are taught by an instructor.

(7) "Course identification number" means a unique four-digit identifying course number assigned by a continuing education provider.

(8) "Individual" means a human being, not a legal entity.

(9) "Instructor" means an individual who teaches, for a continuing education provider, a real estate continuing education course that is eligible for credit. An instructor must meet the qualifications in ORS 696.186 and OAR 863-020-0060. The Agency does not certify instructors.

(10) "Licensed real estate property manager" is defined in ORS 696.010.

(11) "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than a government agency.

(12) "Principal real estate broker" is defined in ORS 696.010.

(13) "Provider number" means a unique identifying number assigned by the Agency to a certified continuing education provider under OAR 863-020-0030.

(14) "Real estate broker" is defined in ORS 696.010.

(15) "Real estate licensee" is defined in ORS 696.010 and includes a real estate broker, principal real estate broker, and a real estate property manager.

(16) "[Broker advanced practices course](#)" means the advanced course in real estate practices provided in ORS 696.174.

(17) "[Property manager advanced practices course](#)" means the advanced course in property management practices provided in ORS 696.174.

(18) "[Principal broker advanced practices course](#)" means the advanced course in brokerage practices provided in ORS 696.174.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.174, ORS 696.182, ORS 696.186

History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-020-0007

Length of Continuing Education Courses

Oregon Administrative Rules Compilation

(1) This rule applies to courses offered by continuing education providers.

(2) The minimum length of each continuing education course offered by a continuing education provider is one continuing education credit hour. A provider may offer a course that is longer than one hour in additional half hour increments.

(3) Continuing education credit hours issued to a licensee by a continuing education provider must be based on the time it takes the licensee to complete the course.

(4) The continuing education provider may allow the licensee a rest break of no more than 10 minutes as part of each continuing education credit hour.

(5) All course providers must notify the licensee of the length of time required to complete the course prior to beginning instruction.

Statutory/Other Authority: ORS 696.385
Statutes/Other Implemented: ORS 696.182
History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-020-0010

License Renewal Continuing Education Requirements

(1) This rule applies to all real estate licensees.

(2) To renew an active license, a real estate licensee must provide course information in an online renewal application which demonstrates that the licensee:

(a) Has completed at least 27 hours of real estate continuing education that are eligible for credit under OAR 863-020-

0035 and 863-020-0040 during the two years preceding renewal and,

(b) Has completed the Board-approved three-hour law and rule required course on recent changes in real estate rule and law described in OAR 863-022-0055.

(3) To renew an active license for the first time or before the first license reactivation following an inactive first renewal, a real estate broker and a licensed real estate property manager must provide course information in the online renewal or reactivation application which demonstrates compliance with the following:

(a) A real estate broker must complete the 27-hour [broker advanced practices course in real estate practices](#) described in OAR 863-022-0020. A real estate broker must also take the three-hour law and rule required course described in 863-022-0055.

(b) [A principal real estate broker must complete the 27-hour principal broker advanced practices course described in OAR 863-022-00xx. A principal real estate broker must also take the three-hour law and rule required course described in 863-022-0055.](#)

(~~b~~) ~~(b)~~ A licensed real estate property manager must complete the 27-hour property manager advanced practices course described in OAR 863-022-0022. A licensed real estate property manager must also take the three-hour law and rule required course described in 863-022-0055.

(4) A real estate licensee will not be given credit for repeating a continuing education course with the same content during a two-year renewal period.

(5) A licensee who falsely certifies that the licensee has completed the required continuing education violates section (2) of this rule and subject to discipline under ORS 696.301.

Statutory/Other Authority: ORS 696.385
Statutes/Other Implemented: ORS 696.022, ORS 696.174, ORS 696.301
History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018; REA 6-2014, f. 4-14-14, cert. ef. 4-28-14; REA 12013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-020-0015

Licensee Records

(1) A real estate licensee must maintain the licensee's certificates of completion the licensee received from continuing education providers for three years after the renewal date for which the continuing education credit applies.

(2) A principal broker is not required to maintain the continuing education records of a real estate broker or a property manager associated with the principal broker.

(3) Upon request by the Agency, a licensee must produce a copy of the records required under this rule.

Statutory/Other Authority: ORS 696.385
Statutes/Other Implemented: ORS 696.174
History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018; REA 6-2014, f. 4-14-14, cert. ef. 4-28-14; REA 12013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-020-0020

Continuing Education Provider Qualifications

(1) An applicant for certification as a continuing education provider must be one of the following:

(a) A main or branch office with a registered business name registered with the Agency under ORS 696.026 and OAR 863-014-0095 or 863-024-0095;

(b) A licensed title or escrow company conducting business in this state;

(c) A real estate trade association as defined in section (2) of this rule or a trade association in a related field as defined in section (3) of this rule, but not the individual members of those associations;

(d) A real estate multiple listing service;

(e) An attorney who is an active member of the Oregon State Bar;

(f) A law firm, in which at least one of the attorneys associated with the law firm is an active member of the Oregon State Bar;

(g) A private career school approved by the Agency to teach continuing education courses as defined in section (4) of this rule;

(h) An accredited community college, an accredited public university listed in ORS 352.002, or a private and independent institution of higher education as defined in 352.720

(i) A distance learning provider approved by the Agency as defined in section (5) of this rule; or

(j) A person who does not meet the requirements of section (1)(a) through (h) of this rule but whose qualifications have been approved by the Real Estate Board under OAR 863-020-0025.

(2) "Real estate trade association," as used in section (1) of this rule, means a local, state, regional, or national

organization with members that include real estate licensees, licensed escrow agents, or licensed title companies.

(3) "Trade association in a related field," as used in section (1) of this rule, means a local, state, regional, or national organization with members that include licensed, certified, or registered:

- (a) Appraisers,
- (b) Architects,
- (c) Attorneys,
- (d) Contractors,
- (e) Home inspectors,
- (f) Mortgage bankers,
- (g) Mortgage brokers,
- (h) Professional engineers,
- (i) Securities broker-dealers or salespersons,
- (j) Surveyors, or
- (k) Tax professionals.

(4) "Private career school approved by the Agency to teach continuing education courses," as used in section (1) of this rule, means a private career school licensed by the Department of Education and approved by the Agency to provide the basic real estate broker or property manager educational courses required under ORS 696.022.

(5) "Distance learning provider approved by the Agency," as used in section (1) of this rule, means a person whose course has been certified by the Association of Real Estate License Law Officials.

Statutory/Other Authority: ORS 696.385
 Statutes/Other Implemented: ORS 696.182
 History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-020-0025

Board Approval of Continuing Education Provider Qualification

(1) A person not otherwise qualified under OAR 863-020-0020(1)(a) through (h) seeking the Board's approval as an applicant for certification must petition the Board under this rule.

(2) The person must submit a petition for approval to the Agency on an Agency-approved form at least 21 days before the scheduled Board meeting at which the applicant wishes the Board to act. The petition must include the following:

- (a) The petitioner's name, address, and phone number.
- (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;

(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).

(c) Attestation by the petitioner that the petitioner knows and understands:

(A) The responsibilities of a continuing education provider under OAR 863-020-0050;

(B) The requirements of an instructor under ORS 696.186 and the information required on a continuing education instructor form under OAR 863-020-0060.

(3) The Agency will notify the petitioner stating the Board's determination. If the Board approves the petition, the petitioner may apply for certification as a course provider under OAR 863-020-0030.

Statutory/Other Authority: ORS 696.385
 Statutes/Other Implemented: ORS 696.182
 History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 12012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 9-2011, f. & cert. ef. 11-15-11; REA 5-2011, f. 8-15-11, cert. ef. 9-1-11; REA 2-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 1-2011(Temp), f. 2-3-11, cert. ef. 2-4-11 thru 8-3-11; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-020-0030

Application for Continuing Education Provider Certification and Renewal

(1) An applicant for certification as a continuing education provider must submit to the Agency an online application available through the Agency's website and pay the fee authorized in 696.270, containing the following information:

- (a) The applicant's name, mailing address, physical address, and phone number;
- (b) The date of the application;
- (c) The applicable qualification listed in OAR 863-020-0020(1) and, if the Real Estate Board approved the applicant's qualifications under 863-020-0025, the applicant must also submit the Agency's confirmation letter;
- (d) The name and signature of the individual authorized by the applicant to submit the application;
- (e) The applicant's authorized contact person, title, phone number, and email address;
- (f) The applicant's website address;
- (g) Information concerning the course presentation formats, such as classroom instruction, online, etc.; and
- (h) An affirmation that the applicant:

(A) Will comply with the statutory and administrative rule provisions applicable to continuing education providers, and (B) Understands that the continuing education provider certification does not authorize the provider to offer ~~the broker advanced practices course~~ in real estate practices, the principal broker advanced practices course, the property manager advanced practices course, or the brokerage administration sales and supervision course. If the provider wishes to offer those courses, the provider may seek separate approval of the course under OAR chapter 863, division 22.

(2) The Agency will assign a provider number and provide a confirmation of certification to the applicant after review and approval of an application.

(3) The Agency will publish on its website and have available at the Agency a list of certified course providers and include the following information:

- (a) The provider's name, mailing address, physical address, and phone number;
- (b) The provider's authorized contact person, title, phone number, and email address;
- (c) The provider's website address;
- (d) The course presentation formats offered by the provider, such as classroom instruction, online, etc.; and
- (e) The date of certification and provider number.

(4) Once certified, the continuing education provider must electronically, using an online process available through the Agency's submit any changes in the information provided on the application website.

(5) If a provider no longer wishes to be certified or no longer meets the qualifications contained in OAR 863-020-0020, it must inform the Agency in writing within five business days.

(6) A continuing education provider certification expires on December 31, annually. Continuing education providers must submit an application for renewal and pay the fee authorized in ORS 696.270, prior to expiration, using an online renewal process that is available through the Agency's website.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.182

History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018; REA 6-2014, f. 4-14-14, cert. ef. 4-28-14; REA 1-2014, f. 4-14-14, cert. ef. 4-28-14; REA 6-2013(Temp), f. 10-31-13, cert. ef. 11-1-13 thru 4-29-14; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-020-0035

Courses Offered by Continuing Education Providers

(1) This rule applies to continuing education courses offered by continuing education providers except for the [broker advanced practices course in real estate practices, the principal broker advanced practices](#), the property manager advanced practices course, and the brokerage administration sales and supervision course. If the provider wishes to offer those courses, the provider may seek separate course approval under OAR chapter 863, division 22.

(2) A continuing education provider must ensure that a specific class or course offered is within the scope of one or more course topics listed in section (4) or (5) of this rule. The provider must also identify to real estate licensees which course topic(s) is covered by the course. The Agency will not determine whether individual courses or classes are within the scope of an eligible course topic.

(3) Each course offered for continuing education credit:

(a) Must meet all course requirements under this rule,

(b) Must meet the requirements for the length of the course under OAR 863-020-0007,

(c) Must meet the requirements for learning objectives in OAR 863-020-0045, and

(d) May be presented in a classroom or online setting.

(4) The following course topics are eligible for real estate continuing education credit required by ORS 696.174 and OAR 863-020-0010:

(a) Principal broker or property manager record-keeping.

(b) Principal real estate broker supervision

responsibilities. (c) Principal broker or property manager clients' trust accounts.

(d) Agency relationships and responsibilities for brokers, principal brokers, or property managers.

(e) Misrepresentation in real estate transactions.

(f) Property management.

(g) Advertising regulations.

(h) Real estate disclosure requirements.

(i) Real estate consumer protection.

(j) Anti-trust issues in real estate transactions.

(k) Commercial real estate.

(l) Real estate contracts.

(m) Real estate taxation.

(n) Real estate property evaluation, appraisal, or valuation.

(o) Fair Housing laws or policy.

(p) Managing a real estate brokerage.

(q) Business ethics.

(r) Risk management.

(s) Dispute resolution.

(t) Real estate finance.

(u) Real estate title.

(v) Real estate escrows.

(w) Real estate development.

(x) Condominiums.

(y) Subdivisions.

(z) Unit owner or home owner associations.

(aa) Timeshares.

(bb) Water rights, issues in real estate.

(cc) Environmental protection

(dd) Land use planning, zoning, or other public

limitations on use.

(ee) Real estate economics.

(ff) Real estate law or regulation.

(gg) Negotiation.

(5) A three-hour law and rule required course on recent changes in real estate rule and law under OAR 863-022-0055 is eligible for three hours of continuing education credit.

(6) The following do not fall within the scope of an eligible continuing education course topic listed under section (4) of this rule:

(a) Real estate broker or property manager pre-licensing courses.

(b) Examination preparation classes.

(c) Sales meetings.

(d) Motivational classes or seminars.

(e) Time management classes or seminars.

(f) Sales and marketing classes or seminars.

(g) Psychology classes or seminars.

(h) Trade association orientation courses.

(i) Courses in standardized computer software programs

not specifically related to the topics listed in section (4) of this rule.

(j) Courses with content that is specific to another state or jurisdiction.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.174, ORS 696.184

History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-020-0040

Certain Courses Required for License Renewal that are Also Eligible for Continuing Education Credit

(1) In addition to the eligible courses under OAR 863-020-0035 the courses listed in subsection (2) through (4) of this rule are eligible for continuing education credit.

(2) An Agency-approved 27-hour [broker advanced practices course in real estate practices](#) that meets the requirements of OAR 863-022-0020.

(3) An Agency-approved 27-hour [principal broker advanced practices course that meets the requirements of OAR 863-022-00xx](#).

(34) An Agency-approved 27-hour property manager advanced practices course that meets the requirements of OAR 863-022-0022.

(45) An Agency-approved 40-hour brokerage administration and sales supervision course that meets the requirements of OAR 863-022-0015.

(56) Certification as a continuing education provider does not authorize the provider to offer ~~an~~the broker advanced ~~practices~~ course ~~in real estate practices, the principal broker advanced practices course~~, the property manager advanced practices course, or the brokerage administration sales and supervision course. If the provider wishes to offer those courses, the provider may seek separate course approval under OAR chapter 863, division 22.

Statutory/Other Authority: ORS 696.385
 Statutes/Other Implemented: ORS 696.022, 696.174, 696.184
 History: REA 6-2014, f. 4-14-14, cert. ef. 4-28-14; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-020-0045

Course Learning Objectives

(1) The Agency does not review or approve a continuing education provider's learning objectives.

(2) As used in ORS Chapter 696 and this division 20, the term "learning objective" means a statement of a continuing education provider's goal for what a licensee will know or be able to do when the course is completed.

(3) In addition to any other learning objectives a continuing education provider may develop for a course, the provider must ensure that each course within a course topic offered under OAR 863-020-0035(4) and (5) meets at least one of the learning objectives contained in section (5) of this rule.

(4) For course learning objectives relating to laws, statutes, and rules, only existing laws, statutes, and rules or those that have been adopted or enacted but are not yet in effect meet the requirements of this rule. Learning objectives related to proposed legislation or proposed regulations do not meet the requirements of this rule.

(5) At the end of the course, the licensee will be able to describe and, where appropriate, identify:

- (a) Provisions in laws, statutes or administrative rules relevant to the course topic;
- (b) The licensee's responsibilities under laws, statutes or administrative rules relevant to the course topic;
- (c) Consumer protections relevant to the course topic;
- (d) Governmental agencies with primary responsibility for regulating the course topic and the agencies' role in relation to consumers and licensees; or
- (e) The principles, practices, or procedures relevant to the course topic and their impact on at least one of the following:
 - (A) Licensees;
 - (B) Consumers;
 - (C) Parties to the real estate transaction or property management agreement;
 - (D) The real estate marketplace;
 - (E) Real estate brokerage or property management practices;
 - (F) The licensees' real estate business; or
 - (G) A licensee's professional competence.

Statutory/Other Authority: ORS 696.385
 Statutes/Other Implemented: ORS 696.182
 History: REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 12010, f. 6-14-10, cert. ef. 7-1-10

863-020-0050

Continuing Education Provider Responsibilities

(1) For each course offered, a continuing education provider must:

(a) Ensure that a course offered for continuing education credit is within the scope of one or more course topics listed in OAR 863-020-0035(3) or is a three-hour law and rule required course on recent changes in real estate rule and law under 863-022-0055;

(b) Identify to real estate licensees the course eligibility for continuing education credit as one of the following:

(A) A continuing education course under OAR 863-020-0035 and which course topic(s) the offered course covers,

(B) The course is a three-hour rule and law required course under OAR 863-022-0055,

(C) The ~~course is the broker course is the~~ advanced ~~practices~~ course ~~in real estate practices course~~ under OAR 863-022-0020,

(D) The ~~course is the principal broker advanced practices course under OAR 863-022-00xx~~,

(~~E~~) The course is the property manager advanced practices course under OAR 863-022-0022, or

(~~F~~) The course is the brokerage administration and sales supervision course under OAR 863-022-0025;

(c) Ensure that the course meets the requirements for the length of a course under OAR 863-020-0007;

(d) Assign to each course a unique identifying course number;

(e) Ensure that courses offered under OAR 863-020-0035 meet the learning objective requirements contained in 863-020-0045; and

(f) Ensure that the instructor who teaches a continuing education course offered for credit:

(A) Meets the requirements set forth in ORS 696.186, and

(B) Completes and signs the form required by OAR 863-020-0060.

(2) A continuing education provider may provide the ~~broker advanced practices course in real estate practices, the principal broker advanced practices course~~, the property manager advanced practices course, or the brokerage administration and sales supervision course only if the provider and the course have been approved under OAR 863, division 22.

(3) A continuing education provider must keep records as required by OAR 863-020-0055.

(4) A continuing education provider must give each licensee who completes a course a completed certificate of completion that includes:

- (a) The licensee's name and license number;
- (b) The name of the course;
- (c) The name of the certified course provider and provider number;
- (d) The course identification number assigned by the course provider;

(e) Identification of the course eligibility for continuing education credit as one of the following:

(A) A continuing education course under OAR 863-020-0035 and which course topic(s) the offered course covers,

(B) The course is a three-hour rule and law required course under OAR 862-022-0055,

(C) The course is the [broker advanced practices course in real estate practices course](#) under OAR 863-022-0020,

(E) The course is the [principal broker advanced practices course under OAR 863-022-00xx](#),

(F) The course is the property manager advanced practices course under OAR 863-022-0022, or

(G) The course is the brokerage administration and sales supervision course under OAR 863-022-0025;

(H) The date and location of the course;

(I) The length of time of each course; and

(J) The name of the instructor who taught the course.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.174, ORS 696.182, ORS 696.184

History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018;

REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-

2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f.

6-14-10, cert. ef. 7-1-10

863-020-0055

Continuing Education Provider Record-keeping Requirements

(1) A real estate continuing education provider must keep records in paper or electronic form, as directed by the Agency, of each course provided for three years from the date the course was provided. These records must include:

(a) The name of the course,

(b) The course identification number assigned by the course provider,

(c) Identification of the course eligibility for continuing education credit as one of the following:

(A) A continuing education course under OAR 863-020-0035 and which course topic(s) the offered course covers,

(B) The course is a three-hour rule and law required course under OAR 862-022-0055,

(C) The course is the [broker advanced practices course in real estate practices course](#) under OAR 863-022-0020,

(D) The course is the [principal broker advanced practices course under OAR 863-022-00xx](#),

(E) The course is the property manager advanced practices course under OAR 863-022-0022, or

(F) The course is the brokerage administration and sales supervision course under OAR 863-022-0025;

(d) The date and location of the course,

(e) The length of time of each course,

(f) The name of the instructor who taught the course,

(g) The signed form required by OAR 863-020-0060 containing the statement of instructor qualifications, and

(h) The licensee's name and license number for each licensee attending the course on that date.

(2) All continuing education providers, whether located within or outside of this state, must keep the required records at the address provided on the application form.

(3) A real estate continuing education provider must produce records within 15 business days after the date of a request by the Agency.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.184

History: REA 6-2014, f. 4-14-14, cert. ef. 4-28-14; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-1412, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-020-0060

Continuing Education Instructor Form

(1) As provided in OAR 863-020-0050, a continuing education provider must ensure that the instructor who teaches a continuing education course offered for credit meets the requirements contained in ORS 696.186. The Agency does not certify instructors.

(2) A continuing education provider must ensure that the instructor completes and signs a form containing the following information:

(a) The instructor's name, address, and phone number;

(b) The continuing education provider name and provider number;

(c) A description of the instructor's qualifications in sufficient detail that would enable the reader to know how the instructor has met those qualifications; and

(d) An attestation signed and dated by the instructor, identifying the instructor's qualifications under section (4) of this rule and affirming that the instructor:

(A) Has not had a professional or occupational license related to the topic of the course revoked for disciplinary reasons;

(B) Has not had a professional or occupational license related to the topic of the course that is currently suspended for disciplinary reasons; and

(C) Has not been determined by a state court, an administrative law judge, or a final agency order to have violated any statute, rule, regulation, or order pertaining to real estate activity in this or any other state in the preceding five years.

(3) The instructor must indicate on the form which of the following qualifications applies to the instructor:

(a) A bachelor's degree and two years of experience working in a field related to the course topic;

(b) Six years of experience working in a field related to the topic of the course;

(c) A total of six years of any combination of college-level coursework and experience working in a field related to the topic of the course;

(d) A designation by a professional real estate organization, as defined in section (5) of this rule, and two years of college level coursework;

(e) A designation as a Distinguished Real Estate Instructor by the Real Estate Educators' Association; or

(f) Certification or approval in good standing as a real estate instructor for the same or a similar course topic in any other state or jurisdiction.

(4) "Professional real estate organization," as used in section (4) of this rule, means a group of individuals with a formal membership whose membership includes real estate licensees or licensed escrow agents.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.184, 696.186

History: REA 6-2014, f. 4-14-14, cert. ef. 4-28-14; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-1412, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-020-0065

Oregon Administrative Rules Compilation

Certification Revocation

The Agency may revoke the continuing education provider's certification if the provider disregards or violates any applicable provision of ORS Chapter 696 or this rule division. Such revocation is an agency order subject to the contested case provisions contained in ORS Chapter 183.

Statutory/Other Authority: ORS 696.385
 Statutes/Other Implemented: ORS 696.182
 History: REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 12010, f. 6-14-10, cert. ef. 7-1-10

DIVISION 22**LICENSE APPLICANT COURSE REQUIREMENTS AND COURSE APPROVAL****863-022-0000****Applicability and Purpose**

- (1) This division applies to:
- Real estate license applicants,
 - Real estate licensees,
 - Persons seeking Agency approval of the following courses:
 - The education courses for real estate broker license applicants and
 - The education course for property manager license applicants.
 - Certified continuing education providers seeking approval of the following courses:
 - The brokerage administration and sales supervision course for principal broker license applicants,
 - The [broker advanced practices course](#) required for real estate brokers seeking their first active license renewal,
 - [The principal broker advanced practices course required for principal real estate brokers seeking their first active license renewal](#), or
 - [The property manager advanced practices course](#) for licensed real estate property managers seeking their first active renewal.
 - Certified continuing education providers who offer the Board-approved three-hour course on recent changes in real estate law and rule.
- (2) This division sets forth the following course requirements for license applicants and licensees:
- The course of study required by OAR 863-014-0035 for real estate broker license applicants;
 - The course required by OAR 863-024-0045 for property manager license applicants;
 - The brokerage administration and sales supervision course required by OAR 863-014-0040 for principal broker license applicants;
 - The [broker advanced practices course](#) required by OAR 863-020-0010 for real estate brokers seeking their first active license renewal;
 - [The principal broker advanced practices course required by OAR 863-020-00xx for principal real estate brokers seeking their first active license renewal](#); and
 - [The property manager advanced practices course](#) required by OAR 863-020-0010 for licensed real estate property managers seeking their first active renewal.
- (3) This division sets forth the application processes for Agency approval of the following:

(a) The course of study required by OAR 863-014-0035 for real estate broker license applicants or the course required by 863-024-0045 for property manager license applicants;

(b) The brokerage administration and sales supervision course required by OAR 863-014-0040 for principal broker license applicants;

(c) The [broker advanced practices course](#) required by OAR 863-020-0010 for real estate brokers seeking their first active license renewal;

(d) [The principal broker advanced practices course required by OAR 863-020-0010 for principal real estate brokers seeking their first active license renewal](#);

(de) The property manager advanced practices course required by OAR 863-020-0010 for licensed real estate property managers seeking their first active renewal; and

(e) The three-hour course on recent changes in law and rule required for all renewing licensees under OAR 863-0200010.

Statutory/Other Authority: ORS 696.385
 Statutes/Other Implemented: ORS 696.174, 696.182, 696.184
 History: REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 12010, f. 6-14-10, cert. ef. 7-1-10

863-022-0005**Definitions**

As used in this division, unless the context requires otherwise:

- "Agency" means the Oregon Real Estate Agency.
- "Associated broker" means a broker that is "associated with," as that term is defined in ORS 696.010, a principal real estate broker.
- "Board" means the Oregon Real Estate Board.
- "Certified continuing education provider" means a person certified by the Agency under OAR 863-020-0030 to offer real estate continuing education courses that are eligible for credit under 863-020-0035 and 863-020-0040. The continuing education courses are taught by an instructor.
- "Clock-hour" is a 60-minute hour, excluding meal or rest breaks.
- "Commissioner" means the Real Estate Commissioner.
- "Individual" means a human being, not a legal entity.
- "In-state community colleges, colleges, and universities" means:
 - Campuses and centers that are part of an accredited public university listed in ORS 352.002;
 - Oregon community colleges established and operated under ORS Chapter 341; and
 - Accredited private and independent institutions of higher education, as that term is defined in ORS 352.720, that are located in Oregon.
- "Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than a government agency.
- "Private career schools" means private career schools licensed by the Oregon Department of Education and approved by the Agency to provide the 150-hour real estate license applicant course of study under OAR 863-022-0010,

the 60-hour property manager license applicant courses under 863-022-0015, or both.

(11) "Principal broker" means "principal real estate broker," as defined in ORS 696.010.

(12) "Property manager" means "licensed real estate property manager," as defined in ORS 696.010.

(13) "Real estate broker" is defined in ORS 696.010.

(14) "Real estate licensee" is defined in ORS 696.010.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.174, 696.182, 696.184

History: REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 12010, f. 6-14-10, cert. ef. 7-1-10

863-022-0010

Course Requirements for Real Estate Broker License Applicants

(1) The real estate broker license applicant course of study required by OAR 863-014-0035 must include 150 clock-hours in the seven courses listed in section (2) of this rule.

(a) Courses offered by private career schools must be approved by the Agency under OAR 863-022-0030.

(b) Courses offered by in-state community colleges, colleges, and universities must be approved by the Agency under OAR 863-022-0035.

(c) To be eligible for credit, a course provider must:

(A) Present each course for the designated number of clock-hours stated in section (2) of this rule,

(B) Include specific course topics required by the Agency as provided in section (3) of this rule, and

(C) Give each student a final examination for each course consisting of the number of questions stated in section (2) of this rule.

(2) The courses required for real estate broker license applicants are:

(a) Real Estate Law: 30 clock-hours and 60 questions on a final examination.

(b) Oregon Real Estate Practice: 30 clock-hours and 60 questions on a final examination.

(c) Real Estate Finance: 30 clock-hours and 60 questions on a final examination.

(d) Contracts: 15 clock-hours and 30 questions on a final examination.

(e) Agency Law: 15 clock-hours and 30 questions on a final examination.

(f) Property Management: 10 clock-hours and 20 questions on a final examination.

(g) Real Estate Brokerage: 20 clock-hours and 40 questions on a final examination.

(3) An applicant must complete the required courses through Agency-approved private career schools or in-state community colleges, colleges, or universities, as those terms are defined in OAR 863-022-0005.

(4) To receive credit for courses provided by private career schools, license applicants must complete the course of study and receive a passing score of at least 75% on a final examination for each course.

(5) To receive credit for courses provided by in-state community colleges, colleges, and universities, license applicants must complete the course of study, including a

final examination for each course and achieve a minimum grade of "C" or equivalent.

(6) The real estate broker license applicant course of study is not eligible for continuing education credit under OAR 863020-0010.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.174, 696.182, 696.184

History: REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 72011, f. & cert. ef. 11-15-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-11-11; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-022-0015

Course Requirements for Property Manager License Applicants

(1) The course required by OAR 863-024-0045 for real estate property manager license applicants consists of a 60 clock-hour Agency-approved real estate property manager course. The property manager course covers the specialized area of the management of rental real estate, including Oregon's legal requirements.

(a) A course offered by private career schools must be approved by the Agency under OAR 863-022-0030.

(b) A course offered by in-state community colleges, colleges, and universities must be approved by the Agency under OAR 863-022-0035.

(2) The 60-hour property manager course prepares the applicant for the property manager license examination. To be eligible for credit, the 60-hour course must include 60 clock-hours allocated among topics in the number of hours as follows:

(a) (12 hours) Oregon real estate license statutes and administrative rules relating to the management of rental real estate, including requirements of licensees, agency law, and affirmative duties of a property manager.

(b) (12 hours) Clients' trust accounts and three-way reconciliation of bank statements, ledgers and record of receipts and disbursements for clients' trust accounts, and security deposits accounts.

(c) (12 hours) Tenant relations and fair housing laws, including the Oregon Residential Landlord and Tenant Act and the Fair Credit Reporting Act.

(d) (7 hours) Contracts and leases.

(e) (6 hours) Risk management and maintenance.

(f) (6 hours) Economics and accounting.

(g) (5 hours) Real property law.

(3) A license applicant must complete the Agency-approved property manager course through a private career school or an in-state community college, college, or university, as those terms are defined in OAR 863-022-0005.

(4) To receive credit for a course provided by a private career school, an applicant must complete the course and receive a passing score of at least 75% on a final exam.

(5) To receive credit for a course provided by a community college, college or university an applicant must complete the course, including a final examination and achieve a minimum grade of "C" or equivalent.

(6) The property manager license applicant course is not eligible for continuing education credit under OAR 863-0200010.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.022

Oregon Administrative Rules Compilation

History: REA 20-2018, minor correction filed 01/05/2018, effective 01/05/2018; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 7-2011, f. & cert. ef. 11-15-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-022-0020

Advanced Practices Course Requirement for the First Active Renewal of Broker License

(1) The course required by OAR 863-020-0010 before the first active renewal of the real estate broker's license or before the first license reactivation following an inactive first renewal is an Agency-approved broker advanced practices course in real estate practices.

(2) Effective August 15, 2012, a real estate broker who is required to take the advanced practices course may get credit for a course:

- (a) Described in section (4) of this rule;
- (b) Described in section (5) of this rule if the course was completed on or before December 31, 2010; or
- (c) Described in section (6) of this rule if the course was completed between January 1, 2011 and before December 31, 2012.

(3) In order to renew a license, a real estate broker who completes the 27-hour course described in section (4) of this rule must also complete the three-hour course on recent changes in law and rule required under OAR 863-020-0010.

(4) An Agency-approved broker advanced practices course must include 27 clock-hours allocated among topics in the number of hours as follows:

- (a) (9 hours) Business ethics;
- (b) (3 hours) Review of recent administrative actions issued by the Agency;
- (c) (4.5 hours) Property management;
- (d) (3 hours) Business economics;
- (e) (3 hours) Advanced agency relationships, including dual representation
- (f) (4.5 hours) Misrepresentation and negligence.

(5) To be eligible for credit, an advanced practices course must:

(a) Meet the requirements under section (7) of this rule, which is a 30-hour course that includes three hours on recent changes in law and rule, that is provided by a person whose advanced practices course has been approved by the Agency; or

(b) Meet the requirements under section (8) of this rule, which is a 30-hour course that includes three hours on recent changes in law and rule, that is provided by a certified continuing education provider whose advanced practices course has been approved by the Board.

(6) To be eligible for credit, an advanced practices course completed on or after January 1, 2011 must meet the requirements under section (8) of this rule and be provided by a certified continuing education provider whose advanced practices course has been approved by the Board.

(7) A 30-hour advanced practices course approved by the Agency must include 30 clock-hours allocated among topics in the number of hours and percentages as follows:

- (a) (30% or 9 hours) Business ethics;
- (b) (10% or 3 hours) Recent changes in real estate law and rule, including Oregon Real Estate License Law and administrative rule changes from the most recent legislative

session and other legislative changes affecting real estate;

(c) (10% or 3 hours) Review of recent administrative actions issued by the Agency;

(d) (15% or 4.5 hours) Property management;

(e) (10% or 3 hours) Business economics (3 hours);

(f) (10% or 3 hours) Advanced agency relationship, including dual representation; and

(g) (15% or 4.5 hours) Misrepresentation and negligence.

(8) A 30-hour advanced practices course approved by the Board must include 30 clock-hours allocated among topics in the number of hours and percentages as follows:

(a) (30% or 9 hours) Business ethics;

(b) (10% or 3 hours) A three-hour course on recent changes in real estate law and rule approved by the Board under OAR 863-022-0055;

(c) (10% or 3 hours) Review of recent administrative actions issued by the Agency;

(d) (15% or 4.5 hours) Property management;

(e) (10% or 3 hours) Business economics (3 hours);

(f) (10% or 3 hours) Advanced agency relationship, including dual representation; and

(g) (15% or 4.5 hours) Misrepresentation and negligence.

(9) To receive credit for an the broker advanced practices course, a real estate broker must complete the course, including a final examination, and receive a passing score of at least 75% on a final examination.

(10) The licensee must obtain a certificate of course completion and maintain it as required by OAR 863-020-0015.

(11) The broker advanced practices course in real estate practices and the three-hour course on recent changes in real estate law and rule are eligible for continuing education credit under OAR 863-020-0010.

(12) The broker advanced practices course in real estate practices and the three-hour course on recent changes in real estate law and rule are eligible for continuing education credit under OAR 863-020-0010.

Statutory/Other Authority: ORS 696.385
 Statutes/Other Implemented: ORS 696.174, ORS 696.182, ORS 696.184
 History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-022-0020

Advanced Practices Course Requirement for the First Active Renewal of Principal Broker License

(1) The principal broker advanced practices course required by OAR 863-020-0010 before the first active renewal of the property manager license or before the first license reactivation following an inactive first renewal is an Agency approved 27-hour principal broker advanced practices course.

(2) A principal broker who is required to take the advanced practices course in order to renew a license must also complete the three-hour course on recent changes in law and rule required under OAR 863-020-0010.

(3) An Agency-approved advanced practices course must include 27 clock-hours allocated among topics in the number of hours as follows:

- (a) (4 hours) Brokerage Practices;
- (b) (4 hours) Supervision and Managing Real Estate Licensees;
- (c) (3 hours) Clients' Trust Accounts;

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(d) (3 hours) [Records and Maintenance](#);
 (e) (4 hours) [Property Management](#);
 (f) (3 hours) [Advertising](#);
 (g) (3 hours) [Affirmative Duties of Agent & Agency Relationships](#);
 (h) (3 hours) [Professional Real Estate Activity](#);
 (4) [To receive credit for an advanced practices course, a principal broker must complete the course and receive a passing score of at least 75% on a final examination containing 60 questions.](#)

(5) [The licensee must obtain a certificate of course completion and maintain it as required by OAR 863-020-0015.](#)

(6) [The principal broker advanced practices course and the three-hour course on recent changes in real estate law and rule are eligible for continuing education credit under OAR 863-020-0010.](#)

Statutory/Other Authority: ORS 696.385
 Statutes/Other Implemented: ORS 696.174
 History: REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13

863-022-0022

Property Manager Advanced Practices Course Requirement for the First Active Renewal of License

(1) The property manager advanced practices course required by OAR 863-020-0010 before the first active renewal of the property manager license or before the first license reactivation following an inactive first renewal is an Agency approved 27-hour property manager advanced practices course.

(2) ~~Effective August 15, 2012, a~~ property manager who is required to take the advanced practices course in order to renew a license ~~on or after January 1, 2012,~~ must also complete the three-hour course on recent changes in law and rule required under OAR 863-020-0010.

(3) ~~Effective August 15, 2012, a~~ Agency-approved advanced practices course must include 27 clock-hours allocated among topics in the number of hours as follows:

- (a) (2 hours) Agency law and affirmative duties in ORS 696.890;
- (b) (2 hours) Property management agreements;
- (c) (3 hours) Managing the operation of a property management company;
- (d) (3 hours) Clients' trust accounts and security deposits accounts;
- (e) (6 hours) Property management accounting;
- (f) (2 hours) Oregon Residential Landlord and Tenant Act under ORS Chapter 90;
- (g) (2 hours) Fair Housing Laws;
- (h) (2 hours) Property management records;
- (i) (2 hours) Real Estate License Law under ORS Chapter 696;
- (j) (1.5 hours) Commercial property management;
- (k) (1.5 hours) Emergency plans, energy management plans, maintenance and repair.

(4) To receive credit for an advanced practices course, a property manager must complete the course and receive a passing score of at least 75% on a final examination containing 60 questions.

(3) The licensee must obtain a certificate of course completion and maintain it as required by OAR 863-020-0015.

(6) The property manager advanced practices course and the three-hour course on recent changes in real estate law and rule are eligible for continuing education credit under OAR 863-020-0010.

Statutory/Other Authority: ORS 696.385
 Statutes/Other Implemented: ORS 696.174
 History: REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13

863-022-0025

Education Course Requirements for Principal Broker License Applicants

(1) The course required by OAR 863-014-0040 for principal real estate broker license applicants is a 40-hour Agency approved brokerage administration and sales supervision course.

(2) The brokerage administration and sales supervision course covers legal requirements unique to principal brokers and reviews the material introduced in the 150-hour real estate broker applicant course of study described in OAR 863-0220010.

(3) The 40-hour brokerage administration and sales supervision course prepares the applicant for the principal real estate broker license examination. To be eligible for credit, the 40-hour course must include 40 clock-hours allocated among topics in the number of hours as follows:

- (a) (15 hours) Brokerage business, supervision and legal requirements, which includes:
 - (A) Introduction to real estate brokerage business practices
 - (B) Supervising and managing other real estate licensees, independent contractors and employees
 - (C) Financial records of the brokerage business
 - (D) Clients' trust accounts
 - (E) Required records and maintenance
 - (F) Property management
 - (b) (25 hours) Review of real estate principles and practices

- (A) Real Estate Law
- (B) Oregon Real Estate Practice
- (C) Real Estate Finance
- (D) Contracts
- (E) Agency Law
- (F) Property Management
- (G) Real Estate Brokerage

(4) A license applicant must complete the brokerage administration and sales supervision course and receive a passing score of at least 75% on a final exam.

(5) An Agency-approved brokerage administration and sales supervision course is eligible for continuing education credit for licensees renewing under OAR 863-020-0010.

Statutory/Other Authority: ORS 696.385
 Statutes/Other Implemented: ORS 696.174, 696.182, 696.184
 History: REA 21-2018, minor correction filed 01/05/2018, effective 01/05/2018; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 7-2011, f. & cert. ef. 11-15-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-022-0030

Oregon Administrative Rules Compilation

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Agency Approval of Education Courses Provided by Private Career Schools

(1) Private career schools that wish to provide the real estate broker license applicant or property manager license applicant courses under OAR 863-022-0010 and 863-022-0015 must apply to the Agency for approval of these courses. No application fees are required.

(2) All license applicant courses under OAR 863-022-0010 and 863-022-0015 submitted by private career schools and approved by the Agency before August 15, 2012 are approved by this rule; however, the course approval expires December 31, 2012.

(3) A private career school applying for Agency approval of a 150-hour course of study for real estate broker license applicants or a 60-hour course for property manager license applicants must submit an online application and the following documents:

(a) Proof of current licensing as a private career school with the Oregon Department of Education and an expiration date.

(b) If the private career school wishes to provide a course through distance education, documentation that the course has been certified by the Association of Real Estate License Law Officials.

(c) If the private career school is applying for approval to use course materials owned and developed by a third-party vendor, written authorization from the vendor, on an Agency-approved form, that the course provider is authorized to use the course materials and the dates the provider is authorized to use the course.

(d) Course materials, including:

(A) Course curriculum or syllabus for the course of study.

(B) Student materials, including all course materials, textbooks and handouts.

(C) A completed Agency-approved topic checklist that lists the detailed course topics and indicates the location of the topic in the course materials. This requirement applies to all course materials, including materials developed by the course provider or materials developed by a third-party vendor.

(D) Instructor materials, if any.

(E) Final examinations.

(F) Examination answer keys, as a document that is separate from the examination.

(G) Agency-approved instructor forms for each instructor who will teach the course.

(e) Proof of current business registration with the Oregon Secretary of State. The applicant's name that is licensed with the Oregon Department of Education must be the exact name that is registered with the Secretary of State.

(4) After review, the Agency will approve or deny the completed application and notify the applicant. If the Agency denies the application, the applicant may seek a contested case hearing pursuant to ORS Chapter 183.

(5) All course approvals expire on June 30 each year.

(6) Approved course providers must comply with the provisions of OAR 863-022-0052 for submitting all changes to application information, changes to course materials, and changes to instructors. Within 10 days of license renewal by the Oregon Department of Education, a private career school

must submit documentation to the Agency that the school's license has been renewed.

(7) If a private career school wants to provide courses other than the real estate broker or property manager license applicant courses, the school must comply with the following:

(a) To provide the [broker advanced practices course](#) ~~in real estate practices, the principal broker advanced practices course~~, or the property manager advanced practices course, the school must be a certified continuing education provider and apply for course approval under OAR 863-022-0045.

(b) To provide the brokerage administration and sales supervision course, the school must be a certified continuing education provider and apply for course approval under 863-022-0050.

(c) To provide the Board-approved three-hour law and rule update course under OAR 863-022-0055 required for licensee renewals, the school must be a certified continuing education provider.

(d) To provide any other continuing education course under OAR 863-020-0035 or 863-020-0040, the school must be a certified continuing education provider and comply with the requirements of OAR 863, division 20.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.174, ORS 696.182, ORS 696.184

History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-022-0035**Approval of Courses Provided by Community Colleges, Colleges, and Universities**

(1) In-state community colleges, colleges, and universities that wish to provide the real estate broker license applicant or property manager license applicant courses under OAR 863-022-0010 and 863-022-0015 must apply to the Agency for approval of these courses. No application fees are required.

(2) In-state community college, college or university applying for Agency approval of a 150-hour course of study for real estate broker license applicants or a 60-hour course for property manager license applicants must submit an online application and the following documents:

(a) If the private career school is applying for approval to use course materials owned and developed by a third-party vendor, written authorization from the vendor, on an Agency-approved form, that the course provider is authorized to use the course materials and the dates the provider is authorized to use the course.

(b) Course materials, including:

(A) Course curriculum or syllabus for the course of study.

(B) Student materials, including all course materials, textbooks and handouts.

(C) A completed Agency-approved topic checklist that lists the detailed course topics and indicates the location of the topic in the course materials. This requirement applies to all course materials, including materials developed by the course provider or materials developed by a third-party vendor.

(D) Instructor materials, if any.

- (E) Final examinations.
- (F) Examination answer keys, as a document that is separate from the examination.
- (3) After review, the Agency will approve or deny the completed application and notify the applicant. If the Agency denies the application, the applicant may seek a contested case hearing pursuant to ORS Chapter 183.
- (4) All course approvals expire on June 30 each year.
- (5) Approved course providers must comply with the provisions of OAR 863-022-0052 for submitting all changes to application information, changes to course materials, and changes to instructors.
- (6) If an in-state community college, college or university wants to provide courses other than the real estate broker or property manager license applicant courses, the school must comply with the following:
 - (a) To provide the [broker advanced practices course](#) ~~in real estate practices, the principal broker advanced practices course~~, or the property manager advanced practices course, the school must be a certified continuing education provider and apply for course approval under OAR 863-022-0045.
 - (b) To provide the brokerage administration and sales supervision course, the school must be a certified continuing education provider and apply for course approval under 863-022-0050.
 - (c) To provide the Board-approved [three-hour law and rule update course](#) under OAR 863-022-0055 required for licensee renewals, the school must be a certified continuing education provider.
 - (d) To provide any other continuing education course under OAR 863-020-0035 or 863-020-0040, the school must be a certified continuing education provider and comply with the requirements of OAR 863, division 20.
 - Statutory/Other Authority: ORS 696.385
 - Statutes/Other Implemented: ORS 696.174, ORS 696.182, ORS 696.184
 - History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

- owned and developed by a third party vendor, attestation that the provider must submit all revisions or updates to the Real Estate Agency for approval before using such materials.
- (d) Course materials, including:
 - (A) Course curriculum or syllabus for the course of study.
 - (B) Student materials, including all course materials, textbooks and handouts.
 - (C) A completed Agency-approved topic checklist listing the detailed course topics and indicating the location of the topic in the course materials. This requirement applies to all course materials, including materials developed by the course provider or materials developed by a third-party vendor.
 - (D) Instructor materials, if any.
 - (E) Final examinations.
 - (F) Examination answer keys, as a document that is separate from the examination.
 - (G) For all providers except in-state community colleges, colleges and universities, a continuing education instructor form for each instructor who will teach the course.
- (3) The Agency will approve or deny the completed application and notify the applicant. Upon approval, the Agency will send a letter of approval. If the Agency denies the application, the applicant may seek a contested case hearing pursuant to ORS Chapter 183.
- (4) All course approvals expire on December 31st each year.
- (5) Approved course providers must comply with the provisions of OAR 863-022-0052 for submitting all changes to application information, changes to course materials, and changes to instructors.
 - Statutory/Other Authority: ORS 696.385
 - Statutes/Other Implemented: ORS 696.174, ORS 696.182, ORS 696.184
 - History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

Commented [MLH2]: We are inconsistent in what we call this course in divisions 20 and 22. We also use "the three-hour course on recent changes in real estate law and rule" and "Three-Hour Rule and Law Change Course." ORS 696.174 calls it "a course on recent changes in real estate rule and law."

- 863-022-0045**
Agency Approval of Advanced Practices Courses
- (1) A person seeking Agency approval of the 27-hour [broker advanced course in real estate practices course](#) described in OAR 863022-0020, [the 27-hour principal broker advanced practices course described in OAR 863022-00xx](#), or the 27-hour property manager advanced practices course under 863-022-0022 must be a certified continuing education provider.
 - (2) The person must submit an Agency-approved form and the following documents:
 - (a) Sample certificates of course completion.
 - (b) For all providers, except those providers listed in subsection (c), written authorization from the vendor, on an Agency approved form, to use course materials owned and developed by a third party vendor stating:
 - (A) That the course provider is authorized to use the course materials, and
 - (B) The dates the provider is authorized to use the course.
 - (c) For in-state community colleges, colleges and universities applying for approval to use course materials

- 863-022-0050**
Agency Approval of Brokerage Administration and Sales Supervision Course and Instructors
- (1) A person seeking Agency approval of the 40-hour brokerage administration and sales supervision course described in OAR 863-022-0015 must be a certified continuing education provider.
 - (2) The person must submit an Agency-approved form and the following documents:
 - (a) Certificates of course completion.
 - (b) For all providers except in-state community colleges, colleges and universities, that are applying for approval to use course materials owned and developed by a third party vendor, written authorization from the vendor, on an Agency approved form, that the course provider is authorized to use the course materials and the dates the provider is authorized to use the course.
 - (c) For in-state community colleges, colleges and universities, that are applying for approval to use course materials owned and developed by a third party vendor, attestation that the provider must submit all revisions or

updates to the Real Estate Agency for approval prior to using such materials

(d) Course materials, including:

(A) Course curriculum or syllabus for the course of study.

(B) Student materials, including all course materials, textbooks and handouts.

(C) A completed Agency-approved topic checklist that lists the detailed course topics and indicates the location of the topic in the course materials. This requirement applies to all course materials, including materials developed by the course provider or materials developed by a third-party vendor.

(D) Instructor materials, if any.

(E) Final examinations.

(F) Examination answer keys, as a document that is separate from the examination.

(G) For all providers except in-state community colleges, colleges and universities, a continuing education instructor form for each instructor who will teach the course.

(3) The Agency will approve or deny the completed application and notify the applicant. Upon approval, the Agency will send a letter of approval. If the Agency denies the application, the applicant may seek a contested case hearing pursuant to ORS Chapter 183.

(4) All course approvals expire on December 31st of each year.

(5) Approved course providers must comply with the provisions of OAR 863-022-0052 for submitting all changes to application information, changes to course materials, and changes to instructors.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.174, ORS 696.182, ORS 696.184

History: REA 1-2017, amend filed 11/17/2017, effective 01/01/2018; REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 1-2010, f. 6-14-10, cert. ef. 7-1-10

863-022-0052

Changes in Application Information, Instructors, Course Materials and Failure to Comply

(1) This rule applies to any course provider whose course was approved under OAR 863-022-0030, 863-022-0035, 863022-0045, or 863-022-0050.

(2) For any change to the information a course provider submitted on an initial course application or on a renewal application, the course provider must submit an application to the Agency for approval of the changes.

(3) Within 10 business days of license renewal by the Oregon Department of Education, a private career school must submit documentation to the Agency that the school's license has been renewed.

(4) A course provider may not use materials that have not been approved by the Agency for that course provider. A course provider must submit an application to the Agency for approval of any change in the course materials. This requirement applies to courses developed by the course provider and to courses developed by third party vendors.

(5) A course provider must submit an application to the Agency for approval for each new instructor that will teach the course.

(6) A course provider must notify the Agency that an approved instructor will no longer teach the course within 10 days of such change.

(7) The Real Estate Agency may revoke the approval of a course if:

(a) The course provider fails to submit an application for approval of changes in course provider information submitted on an initial application or a renewal application,

(b) The course provider fails to submit an application for approval of any change to course materials, or

(c) The course provider uses course materials that have not been approved by the Agency.

(8) If the Agency revokes a course approval, the Agency will also revoke the course provider's authority to submit information for student examination eligibility to the examination provider as provided in OAR 863-022-0060.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.174, 686.182, 686.184, 696.022, 696.020

History: REA 1-2013, f. 1-14-13, cert. ef. 2-1-13

863-022-0055

Board Approval of Three-Hour Rule and Law Change Course

(1) The Board will develop the course content required for a course on recent changes in real estate rule and law required by ORS 696.174, and the Agency will make the course content available to the public.

(2) The Board will update the course at least biannually.

To be eligible for continuing education credit required under OAR 863-020-0010, the Board-approved course must be provided by a certified continuing education provider.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.174, 696.182, 696.184

History: REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 12010, f. 6-14-10, cert. ef. 7-1-10

863-022-0060

Responsibilities of Providers of Real Estate Broker, Principal Broker and Property Manager License Application Courses

(1) For purposes of this rule, a "course provider" is:

(a) A private career school, in-state community college, college, or university that provides the 150-hour real estate broker license applicant course of study under OAR 863-022-0010, the 60-hour property manager license applicant course under 863-022-0015; or the 40-hour brokerage administration and sales supervision course under 863-022-0025; and

(b) A continuing education provider who provides the 40-hour brokerage administration and sales supervision course under OAR 863-022-0025.

(2) For purposes of this rule, "examination provider" means the vendor, under a contract with the Agency, which provides licensing examination services and collects the fee for such services directly from a license applicant.

(3) A course provider must certify to the examination provider that an applicant for a real estate license has successfully completed the course or courses according to the requirements and instructions of the examination provider.

(4) Before certifying that a license applicant completed a course as provided in section (4) of this rule, a course

provider must obtain proof from a license applicant that the applicant has submitted a license application to the Agency.

(5) A course provider must inform each student taking a course that:

(a) The course provider will certify to the examination provider that an applicant for a real estate license has successfully completed the course or courses; and

(b) Before a course provider may certify that the applicant completed the course, a student must provide proof to the provider that the student has applied to the Agency for a real estate broker, principal broker or property manager license.

(6) In addition to the requirements under this rule, a course provider must provide a certificate of completion to each student.

Statutory/Other Authority: ORS 696.385

Statutes/Other Implemented: ORS 696.020, 696.022

History: REA 1-2013, f. 1-14-13, cert. ef. 2-1-13; REA 1-2012(Temp), f. 8-14-12, cert. ef. 8-15-12 thru 2-1-13; REA 72011, f. & cert. ef. 11-15-11; REA 6-2011, f. 8-15-11, cert. ef. 9-1-11; REA 3-2011(Temp), f. & cert. ef. 6-22-11 thru 12-1-11

Statutory/Other Authority: ORS 91, 94, 100, 696

Statutes/Other Implemented: ORS 100.700

History: REA 32-2018, minor correction filed 01/05/2018, effective 01/05/2018; REA 1-1990, f. & cert. ef. 4-18-90; REA 7-1987, f. 12-3-87, ef. 1-1-88; REC 3-1984, f. 6-18-84, ef. 7-1-84; REC 51, f. & ef. 12-20-77; REC 50(Temp), f. & ef. 11-377

Real Estate Agency

**AGENDA ITEM NO.
V. A. 3.**

Chapter 863

Division 3

EMPLOYEE CRIMINAL RECORDS CHECK AND FITNESS DETERMINATION

863-003-0000

863-003-0000

Purpose

~~The purpose of these~~ These rules is to provide for control the reasonable screening of Real Estate Agency's acquisition of information about a subject individuals to determine if they have a history of individual's criminal behavior such history through criminal records checks or other means and the use of that they are not information to determine whether the subject individual is fit to work or provide services to the Agency as an employee, volunteer in positions covered in OAR, contractor, or vendor. (2). The fact that the Agency determines that a subject individual is fit does not guarantee the individual a position as an Agency employee, volunteer, contractor or vendor or that the individual will be hired by the Agency.

Statutory/Other Authority: ORS 484.534, 181A.195, 696.790 & 696.385

Statutes/Other Implemented: ORS 484.534, 181A.195 & 696.790

History:

REA 9-2014, f. 4-14-14, cert. ef. 4-28-14

863-003-0005

Definitions

As used in OAR chapter 863, division 3, unless the context of the rule requires otherwise, the following definitions apply:

(1) ~~"Agency: The"~~ means the State of Oregon Real Estate Agency as defined.

(2) ~~"Approved"~~ means that, pursuant to a criminal background check, an authorized designee has determined that a subject individual is fit to be an employee, contractor, vendor, or volunteer through a criminal background fitness determination.

(3) ~~"Authorized Designee"~~ means a person authorized by the Real Estate Commissioner to obtain and review criminal offender information and other criminal records information about a subject individual through criminal records checks and other means, and to conduct a criminal background fitness determination in ORS 696.040 accordance with these rules.

(2)-4) ~~"Conviction: A"~~ means that a court of law has entered a final judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere (no contest), or any determination of guilt entered by a court of law against a subject individual in a criminal case, unless that judgment has been reversed or set aside by a subsequent court decision.

(3) ~~Fitness determination: A determination made by the Agency, pursuant to the process established under OAR 863-003-0050, that a subject individual is fit or not fit to be an Agency employee, volunteer, contractor or vendor in a position covered by 863-003-0010(2).~~

~~(4)~~ (5) "Criminal offender information: Records and related data concerning physical description and vital statistics, Offender Information" means records, including fingerprints and photographs, received and compiled and disseminated by the Oregon Department of State Police to identify (OSP), or by other states, for purposes of identifying criminal offenders and alleged offenders, and maintained as part of an individual's records of arrests and the nature and disposition of criminal charges, including sentencing, confinement, parole and release records.

~~(5) Criminal but does not include the retention by OSP or records check: One or more of the following three processes undertaken by the Agency to check the criminal history of a subject individual:~~

~~(a) A name based check of transfer of inmates between penal institutions or other correctional facilities, and release. It also includes the OSP Computerized Criminal History System.~~

~~(6) "Crime Relevant to a Criminal Background Fitness Determination" means a crime listed or described in OAR 863-003-0060.~~

~~(7) "Criminal Background Fitness Determination" means a determination made by an authorized designee whether a subject individual is fit to be an employee, contractor, vendor or volunteer.~~

~~(8) "Criminal Records Check and Criminal Background Fitness Determination Rules" or "These Rules" means OAR chapter 863, division 3.~~

~~(9) "Criminal Records Check" means obtaining and reviewing criminal records as required or permitted by these rules and includes any or all of the following:~~

~~(a) A check of criminal offender information and driving records conducted through the Law Enforcement Data System (LEDS) maintained by the Oregon Department of State Police OSP, in accordance with the rules adopted and procedures established by the Oregon Department of State Police OSP (LEDS Computerized Criminal Records Check);~~

~~(b) A check of Oregon or other state criminal offender information, including through fingerprint identification and/or other means, conducted by the Oregon Department of State Police OSP at the Agency's Agency's request (Oregon State Criminal Records Check); or~~

~~(c) A nationwide check of federal criminal offender information, including through fingerprint identification and other means, conducted by OSP through the Federal Bureau of Investigation or otherwise at the Agency's request (Nationwide Criminal Records Check).~~

~~(6) Criminal records request form: An Agency approved form, completed by a subject individual, requesting the Agency to conduct a criminal records check.~~

~~(7)-(10) "Denied" means that, pursuant to a preliminary fitness determination under OAR 863-003-0030, or a final fitness determination under OAR 863-003-0050, the Agency has determined that the subject individual is not fit to be an employee, contractor, vendor, or volunteer.~~

~~(11) "False statement: In Statement" means that, in association with an activity governed by these rules, a subject individual either:~~

~~(a) Provided the Agency with false information about the subject individual's criminal history, including, but not limited to, false information about the individual's identity or conviction record; or~~

~~(b) Failed to provide the Agency information material to determining the individual's criminal history.~~

~~(8)-12) "Subject Individual: An" means an individual identified in OAR 863-003-0010 as someone from whom the Agency may require who is required to complete a criminal records history check pursuant to these rules.~~

Statutory/Other Authority: ORS 481.534, 181A.195, 696.790, & 696.385

Statutes/Other Implemented: ORS 481.534, 181A.195 & 696.790

History:

REA 9-2014, f. 4-14-14, cert. ef. 4-28-14

863-003-0010

Subject Individual

~~The Agency may require a subject~~ "Subject Individual" means an individual who is required to complete a criminal records check pursuant to these rules and from whom the Agency may require fingerprints for the purpose of conducting a criminal records check because the person:

- (1)(a) Is employed by or applying for employment with by the Agency; or
 - (b) Provides services or seeks to provide services to the Agency as a volunteer, contractor, or vendor;
- and

(2) Is, or will be, working or providing services in a position:

~~(a) In in~~ which the subject individual is:

(a) Is providing information technology services and has control over, or access to, information technology systems that would allow the person individual to harm the information technology systems or the information contained in the systems;

~~(b) In which the subject individual has~~ (b) Has access to information that state or federal laws, rules or regulations prohibit disclosing or define as confidential;

~~(c) That has~~ Has payroll functions;

~~(d) In which the subject individual has~~ Has responsibility for receiving, receipting or depositing money or negotiable instruments;

~~(e) In which the subject individual has~~ Has responsibility for billing, collections or other financial transactions;

~~(f) In which the subject individual has~~ (f) Has responsibility for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state;

~~(g) That has~~ Has mailroom duties as the a primary duty or job function;

~~(h) That has~~ Has personnel or human resources functions as one of the position's a primary responsibilities responsibility;

~~(i) In which the subject individual has~~ (i) Has access to Social Security numbers, dates of birth or criminal background information of employees or members of the public; or

~~(j) In which the individual has~~ Has access to tax or financial information about individuals or business entities.

Statutory/Other Authority: ORS 481.534, 181A.195, 696.790, & 696.385

Statutes/Other Implemented: ORS 481.534, 181A.195 & 696.790

History:

REA 9-2014, f. 4-14-14, cert. of. 4-28-14

863-003-0020

Criminal Records Check Process

~~(1) Disclosure of Information by Subject Individual.~~

~~(a) Preliminary to a criminal records check, a~~ A subject individual must shall complete and sign the an Agency criminal records request and a fingerprint card. Both forms ask for identifying capture. The information ~~(e.g., may include, but is not limited to: legal name, and aliases, date of birth date, social security number, physical characteristics, driver's, address and recent residency information, driver license or identification card number and current address information, type of the subject individual).~~ The Agency criminal records request also requires information about the subject individual's prior residences in other states work or service being performed, disclosure of criminal history (all arrests, charges, convictions and offenses), social security number, and any other identifying information deemed necessary by the Agency.

(b) A subject individual must complete and submit to the Agency the Criminal Records Request form and, if requested, a fingerprint card within three business days of receiving the forms. The Agency may extend the deadline for good cause.

(c) The Agency may require additional information from the subject individual as necessary to complete the criminal records check and fitness determination, such as, but not limited to, proof of identity; or additional criminal, judicial, or other background information.

(d) The Agency shall not request a fingerprint ~~and capture~~ from a subject individual under the age of 18 years unless the subject individual is emancipated pursuant to ORS 419B.550 et seq, or unless the Agency also requests the written consent of a parent or guardian. In such case, such parent or guardian and youth must be informed that they are not required to consent. Notwithstanding, failure to consent may be construed as a refusal to consent ~~under OAR 863-003-0050(3).~~

(2) When a Criminal Records Check is ~~Required~~ Conducted. The Agency may conduct, or request the Oregon Department of State Police to conduct, a criminal records check when:

(a) An individual meets the definition of a ~~“subject individual;”~~ or

(b) Required by federal law or regulation, by state law or administrative rule, or by contract or written agreement with the Agency.

(3) Which Criminal ~~Records~~ Record Check is Conducted. When the Agency determines under section (2) of this rule that a criminal records check is needed, the Agency may request or conduct a LEADS Computerized Criminal Records Check, an Oregon State Criminal ~~Records~~ Record Check, a Nationwide Criminal Records Check, or any combination thereof.

Statutory/Other Authority: ORS 481.534 181A.195, 696.790, & 696.385

Statutes/Other Implemented: ORS 481.534 181A.195 & 696.790

History:

REA 9-2014, f. 4-14-14, cert. ef. 4-28-14

863-003-0040863-003-0030

Preliminary Fitness Determination

~~(1) If the~~The Agency elects to may conduct a criminal records check pursuant to these rules, preliminary fitness determination if the Agency, is interested in its sole discretion, may hire or appoint the hiring or appointing a subject individual on a preliminary basis, pending completion of a criminal records check when final fitness determination.

~~(a) The subject individual has provided all information (including a fingerprint card, if requested) as required by the Agency pursuant to OAR 863-003-0020; and~~

~~(b) The Agency, in its sole discretion, determines that preliminary hiring is in the Agency's best interests.~~

~~(2) A subject individual hired or appointed on a~~ (2) If the Agency elects to make a preliminary basis under this rule may participate in training, orientation, and work activities as assigned by the Agency.

~~(3) Nothing in this rule~~ fitness determination about a subject individual, pending a final fitness determination, the Agency shall be construed as requiring the Agency to hire on make a preliminary basis.

~~(4) A subject individual hired on a preliminary basis is deemed to be on trial service.~~

Statutory/Other Authority: ORS 181.534 & 696.385

Statutes/Other Implemented: ORS 181.534 & 696.790

History:

REA 9-2014, f. 4-14-14, cert. ef. 4-28-14

~~(1) If the Agency elects to conduct a criminal records check, the Agency shall make a fitness determination about a subject individual based on information provided~~ disclosed by the subject individual under OAR 863-003-0020, the criminal records check(s) conducted, and any false statements made by the subject individual a LEADS Computerized Criminal History Check.

~~(2) In making a fitness determination about a subject individual, the Agency will also consider the factors in subsections (a) through (f) below in relation to information provided by the subject individual under OAR 863-003-0020(1), any LEDS report or criminal offender information obtained through a criminal records check, and other information known by the Agency. To assist in considering these factors, the Agency may obtain any other information deemed relevant from the subject individual or any other source, including law enforcement and criminal justice agencies or courts within or outside of Oregon. To acquire other criminal offender information from the subject individual, the Agency may request to meet with the subject individual, and may request to receive written materials or authorization to obtain other relevant information, from him or her. The subject individual shall meet with the Agency if requested and provide additional information or authorization within a reasonable period of time, as established by the Agency. The Agency will use all collected information in considering:~~

~~(a) Whether the subject individual has~~ (3) The Agency shall approve a subject individual as fit on a preliminary basis if the authorized designee has no reason to believe the subject individual has made a false statement and the information available to the Agency does not disclose that the subject individual:
(a) Has pled nolo contendere (or no contest) to, been convicted of, found guilty except for insanity (or a comparable disposition), of, or has a pending indictment for a crime listed in under OAR 863-003-0060;

~~(b) The nature of any crime identified under section (2)(a) of this rule;~~

~~(c) The facts that support the conviction, finding of guilty except~~ (b) Is being investigated for insanity, or pending indictment;

~~(d) Any facts that indicate the subject individual made a false statement;~~

~~(e) The relevance, if any, of a crime identified under section (2)(a) of this rule or of a false statement made by the subject individual to the specific requirements of the subject individual's present or proposed position, services or employment; and~~

~~(f) The following intervening circumstances, to the extent that they are relevant to the responsibilities and circumstances of the services or employment,~~ has an outstanding warrant for which the fitness determination is being made:

~~(A) The passage of time since the commission or alleged commission of a crime identified under section (2)(a) of this rule;~~

~~(B) The age of the subject individual at the time of the commission or alleged commission of a crime identified under section (2)(a) of this rule;~~

~~(C) The likelihood of a repetition of offenses or of the commission of another crime;~~

~~(D) The subsequent commission of another crime listed in OAR 863-003-0060;~~

~~(E) Whether a conviction identified under section (2)(a) of this rule, or has been set aside, and the legal effect of setting aside the conviction;~~

~~(F) A recommendation of an employer;~~

~~(G) The disposition of a pending indictment identified under section (2)(a) of this rule;~~

~~(H) Whether the subject individual has been arrested for or charged with a crime listed under OAR 863-003-0060;~~

~~(I) Whether the subject individual is being investigated, or has an outstanding warrant, for a crime listed under OAR (c) 1s;~~

~~(J) Whether the subject individual is currently on probation, parole, or another any form of post-prison supervision for a crime listed under OAR 863-003-0060;~~

~~(K) Whether the subject individual has (d) Has a deferred sentence or conditional discharge in connection with a crime listed under OAR 863-003-0060; or~~

~~(L) Whether the subject individual has (e) Has been adjudicated in a juvenile court and found to be within the court's jurisdiction for an offense that would have constituted a crime listed in OAR 863-003-0060 if committed by an adult;_~~

~~(M) Periods of incarceration of the subject individual;~~

~~(N) The education and work history (paid or volunteer) of the subject individual~~

~~(4) If the information available to the Agency discloses one or more of the circumstances identified in section (3), the Agency may approve a subject individual for hiring or appointment on a preliminary basis if the Agency concludes, after evaluating all available information and considering the factors in OAR 863-003-0050(1), that hiring or appointing the subject individual on a preliminary basis does not pose any risk of harm to the Agency, its client entities, the State, or members of the public.~~

~~(5) If a subject individual is either approved or denied on the basis of a preliminary fitness determination, the Agency shall conduct a final fitness determination under OAR 863-003-0050(1).~~

~~(6) A subject individual may not appeal a preliminary fitness determination.~~

Statutory/Other Authority: ORS 181A.195, 696.790, & 696.385

Statutes/Other Implemented: ORS 181A.195 & 696.790

863-003-0040

Hiring or Appointing on a Preliminary Basis

~~(1) The Agency may hire or appoint a subject individual on a preliminary basis if the Agency has approved the subject individual on the basis of a preliminary fitness determination under OAR 863-003-0030.~~

~~(2) A subject individual hired or appointed on a preliminary basis under this rule may participate in training, orientation, or work activities as assigned by the Agency.~~

~~(3) A subject individual hired or appointed on a preliminary basis is deemed to be on trial service.~~

Statutory/Other Authority: ORS 181A.195, 696.790, & 696.385

Statutes/Other Implemented: ORS 181A.195 & 696.790

863-003-0050

Final Fitness Determination

~~(1) The Agency shall consider the following factors in relation to information provided by the subject individual, including any criminal offender information obtained through a criminal history check and other information known by the Agency:~~

~~(a) The nature of any crime;~~

~~(b) The facts that support the conviction or pending indictment; or that indicate the making of a false statement;~~

~~(c) The relevancy, if any, of the crime or the false statement to the specific requirements of the subject individual's present or proposed position, services or employment; and~~

~~(d) Intervening circumstances relevant to the responsibilities and circumstances of the position, services or employment such as:~~

~~(i) The passage of time since the commission or alleged of the crime;~~

~~(ii) The age of the subject individual at the time of the crime;~~

~~(iii) The likelihood of a repetition of offenses or of the commission of another crime;_~~

~~(iv) The subsequent commission of another relevant crime;~~

~~(v) Whether the conviction was set aside and the legal effect of setting aside the conviction; and~~

~~(vi) The recommendation of an employer.~~

(2) Upon completion of the fitness determination, one of the following outcomes shall be made and written notification shall be provided to the subject individual indicating the outcome when appeal rights are afforded or when a fitness determination is not completed;

(a) Approval.

(A) The subject individual is approved to work, have direct access, or otherwise provide services to individuals.

(B) An approved outcome does not guarantee employment, or the ability to have direct access, or otherwise provide services, to individuals.

(b) Restricted or Conditional Approval.

(A) The Agency may restrict the approval to specific activities, clients or locations.

(B) The Agency may complete a new criminal history check and fitness determination on the subject individual prior to removing a restriction.

(c) Denial.

(A) The Agency denies a subject individual if the Agency determines, through a fitness determination, that the subject individual is not fit to work, have direct access, or otherwise provide services to individuals.

(B) If a subject individual is denied, then the subject individual shall not work, have direct access, or otherwise provide services to individuals.

(d) Incomplete Fitness Determination.

(A) The subject individual discontinues the criminal history process for any reason or refuses to be fingerprinted or respond to written correspondence from the Agency.

(B) The subject individual is determined to be ineligible for reasons other than a criminal history check.

(C) The subject individual is determined to be ineligible pursuant to the Agency's enabling statute, or otherwise provided by law.

(D) The subject individual shall not be allowed to work, have direct access, or otherwise provide services to individuals.

(e) Refusal to Consent. If a subject individual refuses to submit or consent to a criminal ~~records~~history check ~~including fingerprint identification, or refuses to be fingerprinted,~~ the Agency ~~will~~shall deny the employment of the subject individual, or ~~revoke or deny any applicable position or authority to provide services.~~ A person may not appeal any determination made based on a refusal to consent.

~~(4) If a subject individual is determined to be not fit, the subject individual may not be employed by or provide services as a volunteer, contractor or vendor to the Agency in a position described in OAR 863-003-0010(2).~~

~~(5)-(3) Final Order.~~ A completed final fitness determination is a final order of the Agency unless the affected subject individual appeals the determination by requesting a contested case hearing as provided by OAR 863-003-0090(2) or an alternative appeals process as provided by ~~(6)~~.

Statutory/Other Authority: ORS 481.534181A.195, 696.790, & 696.385

Statutes/Other Implemented: ORS 481.534181A.195 & 696.790

History:

REA 9-2014, f. 4-14-14, cert. ef. 4-28-14

863-003-0060

~~Potentially Disqualifying Crimes~~

Crimes Relevant to Aa Criminal Background Fitness Determination:

(1) A conviction of any of the following crimes or offenses is potentially disqualifying, unless otherwise provided by law.

(a) All felonies;

(b) All misdemeanors;

(c) Any ~~United States Military~~ U.S. military crime or international crime.

(2) ~~Evaluation of Crimes.~~ The Agency shall evaluate a crime or offense on the basis of the ~~law~~laws of the jurisdiction in which the crime or offense occurred, ~~as those laws.~~

(3) The following are in effect at the time examples of the fitness determination crimes likely to result in denial unless there are significant mitigating circumstances:

(3) Expunged Juvenile Record-a) ORS 163.095, Aggravated murder;

(b) ORS 163.115, Murder;

(c) ORS 163.375, Rape I;

(d) ORS 163.405, Sodomy I;

(e) ORS 163.411, Unlawful sexual penetration I;

(f) ORS 163.427, Sexual abuse I

(4) Under no circumstances shall a subject individual be determined to be not fit denied under these rules on the basis of the existence or contents because of a juvenile record that has been expunged or set aside pursuant to ORS 419A.260 and to 419A.262.

(5) Under no circumstances shall a subject individual be denied under these rules due to the existence or contents of an adult record that has been set aside pursuant to ORS 137.225.

(6) Examples of other criminal offender information that may be potentially disqualifying may include:

(a) Sex offender registration,

(b) Conditions of parole, probation, or diversion program, or

(c) Unresolved arrest, charge, pending indictment or outstanding warrant.

Statutory/Other Authority: ORS 181.534, 181A.195, 696.790, & 696.385

Statutes/Other Implemented: ORS 181.534, 181A.195 & 696.790

History:

REA 9-2014, f. 4-14-14, cert. ef. 4-28-14

863-003-0070

Incomplete Fitness Determination

~~(1) The Agency will close a preliminary or final fitness determination as incomplete when:~~

~~(a) Circumstances change so that a person no longer meets the definition of a "subject individual" under OAR 863-003-0010.~~

~~(b) The subject individual does not submit materials or information within the time required under OAR 863-003-0020(1);~~

~~(c) The Agency cannot locate or contact the subject individual;~~

~~(d) The subject individual fails or refuses to cooperate with the Agency's attempts to acquire other criminal records information under OAR 181A.195(2); or~~

~~(e) The Agency determines that the subject individual is not eligible or not qualified for the position (of employee, contractor, vendor or volunteer) for a reason unrelated to the fitness determination process.~~

~~(f) The position is no longer open.~~

~~(2) A subject individual does not have a right to a contested case hearing under OAR 863-003-0090(2) or a right to an alternative appeals process as provided by OAR 863-003-0090(6) to challenge the closing of a fitness determination as incomplete.~~

Statutory/Other Authority: ORS 181.534 & 696.385

Statutes/Other Implemented: ORS 181.534 & 696.790

History:

REA 9-2014, f. 4-14-14, cert. ef. 4-28-14

863-003-0080

Notice to Subject Individual of Fitness Determination

The Agency shall inform the subject individual who has been determined not to be fit on the basis of a criminal records check, via personal service, or registered or certified mail to the most current address provided by the subject individual, of such disqualification.

Statutory/Other Authority: ORS 181.534 & 696.385

Statutes/Other Implemented: ORS 181.534 & 696.790

863-003-0090

Appealing a Fitness Determination

~~(1) Purpose. Sections (2) to (5) of this rule set forth the contested case hearing process a subject individual must use to appeal a completed final fitness determination made under OAR 863-003-0050 that the individual is not fit to hold a position with, or provide services to the Agency as an employee, volunteer, contractor, or vendor. Section (6) of this rule identifies an alternative appeal process available only to current Agency employees.~~

~~(2) Appeal process:~~

~~(a)(1) A subject individual may not appeal a criminal background fitness determination or a decision to close a criminal background fitness determination for reasons of incompleteness and refusal to consent.~~

~~(2) A subject individual may appeal a final fitness determination outcome of a denied or restricted approval. To request appeal a contested case hearing, the Final Fitness Determination:~~

~~The subject individual or the subject individual's legal representative must shall submit a written request for a contested case hearing to the address specified in the written notice provided under OAR 863-003-0080. To be timely, the request must be received by the Agency at the specified address by the Agency, within 14 calendar days of the date stated appearing on the written notice- from the Agency. The Agency shall address a request received after the expiration of the deadline as provided under OAR 137-003-0528.~~

~~(b)(3) When a timely request for a contested case hearing is received by the Agency under subsection (a)(2), a contested case hearing shall be conducted by an administrative law judge assigned by the Office of Administrative Hearings, pursuant to the Attorney General's Uniform and Model Rules, "Procedural Rules, Office of Administrative Hearings" OAR 137-003-0501 to 137-003-0700, as supplemented by the provisions of this rule.~~

~~(3) Discovery. (4) Confidentiality. The Agency or the administrative law judge may protect information made confidential by ORS 181A.195 or other applicable law as provided under by OAR 137-003-0568.~~

~~(4) No Public Attendance. Contested case hearings on fitness determinations are closed to non-participants.~~

~~(5) Proposed and Final Order:~~

~~(a) Proposed Order. After a hearing, the administrative law judge will issue a proposed order.~~

~~(b) Exceptions. Exceptions, if any, shall be filed within 14 calendar days after service of the proposed order. The proposed order shall provide an address to which exceptions must be sent.~~

~~(b) Default. A completed final fitness determination made under OAR 863-003-0050 becomes final:~~

~~(A) unless the subject individual makes a timely request for a hearing; or~~

(B) when a party withdraws a hearing request, notifies the Agency or the ALJ that the party will not appear, or fails to appear at the hearing.

~~(7)~~ **Alternative Process.** A subject individual currently employed by the Agency may choose to appeal a fitness determination either under the process made available by this rule or through a process made available by applicable personnel rules, policies, and collective bargaining provisions. A subject individual's decision to appeal a fitness determination through applicable personnel rules, policies, and collective bargaining provisions is an election of remedies as to the rights of the individual with respect to the fitness determination and is a waiver of the contested case process made available by this rule.

~~(7) Remedy.~~ The only remedy that may be awarded is a determination that the subject individual is fit or not fit. Under no circumstances shall the Agency be required to place a subject individual in any position, nor shall the Agency be required to accept services or enter into a contractual agreement with a subject individual.

(8) **Challenging Criminal Offender Information.** A subject individual may not use the appeals process established by this rule to challenge the accuracy or completeness of information provided by the Oregon Department of State Police, the Federal Bureau of Investigation, or ~~agencies~~ any other agency reporting information to the Oregon Department of State Police or the Federal Bureau of Investigation.

(a) To challenge information identified in this section of the rule, a subject individual may use any process made available by the providing agency that provided the information.

(b) If the subject individual successfully challenges the accuracy or completeness of any information provided by the Oregon Department of State Police, the Federal Bureau of Investigation, or an agency reporting information to the Oregon Department of State Police or the Federal Bureau of Investigation, the subject individual may request ~~that~~ the Agency to conduct a new criminal records check and re-evaluate the original criminal background fitness determination made under OAR 863-003-0050 ~~by submitting. The subject individual shall submit a new Agency criminal records request. This provision only applies if~~ background check application to the position for which ~~agency~~ within 30 days of the original date the Oregon Department of State Police, the Federal Bureau of Investigation, or an agency reporting information to the Oregon Department of State Police or the Federal Bureau of Investigation issues a corrected criminal history check was conducted is vacant and available background report.

~~(9) Appealing a fitness determination under section (2) or section (6) of this rule~~ **(9) Remedy.** When the fitness determination is performed as part of the Agency's hiring process or employment decision, the only remedy that may be awarded is a determination that the subject individual is fit or not fit. Under no circumstances shall the Agency be required to place a subject individual in any position, nor shall the agency be required to accept services or enter into a contractual agreement with a subject individual.

~~(10) No delay in hiring. Appealing a final fitness determination, challenging criminal offender information with the agency that provided the information, or requesting a new criminal records check and re-evaluation of the original fitness determination under section (8)(b) of this rule, will~~ may not delay or postpone the Agency's hiring process or employment decisions.

Statutory/Other Authority: ORS 181A.195 & ORS 696.790 & 696.385

Statutes/Other Implemented: ORS ~~481.534~~ 181A.195 & ORS 696.790 **History:**

[REA 4-2018, minor correction filed 01/05/2018, effective 01/05/2018](#)

REA 9-2014, f. 4-14-14, cert. ef. 4-28-14

863-003-0100

Recordkeeping and Confidentiality

~~Any~~ **(1) Criminal offender information** obtained in the criminal records check is confidential. The Agency must restrict the dissemination of information obtained in the criminal records check. Only those persons, as identified by the Agency, with a demonstrated and legitimate need to know the information, may have access to the criminal records check records.

(2) If a fingerprint-based criminal records check was conducted on a subject individual, the Agency shall permit that subject individual to inspect the state and federal criminal offender information, unless prohibited by state or federal law and only the extent required by the terms of the Public law.

(3) Sharing information. Final fitness determination results may be shared with other authorized agencies that have already made a fitness determination for the subject individual once they have received a request pursuant to ORS 181A.195(10)(c)(A).

Statutory/Other Authority: ORS ~~481.534~~181A.195, 696.790 & 696.385

Statutes/Other Implemented: ORS ~~481.534~~181A.195 & 696.790

History:

REA 9-2014, f. 4-14-14, cert. ef. 4-28-14

863-003-0110

Fees

(1) The Agency may charge a fee, not to exceed the actual cost to the Agency, for acquiring and furnishing criminal offender information for use in making a fitness determination that will not exceed the fee charged the Agency by the Oregon Department of State Police and the Federal Bureau, including re-evaluations of investigation to obtain such information. ~~criminal background determinations.~~

(2) The Agency may charge the fee to the subject individual on whom criminal offender information is sought, or, if the subject individual is an employee of an Agency contractor or vendor and is undergoing a fitness determination in that capacity, the Agency may charge the fee to the subject individual's employer.

Statutory/Other Authority: ORS ~~481.534~~181A.195, 696.790 & 696.385

Statutes/Other Implemented: ORS ~~481.534~~181A.195 & 696.790

History:

REA 9-2014, f. 4-14-14, cert. ef. 4-28-14

**ADMINISTRATIVE ACTIONS
for OREA Board
March 20, 2018 through May 21, 2018**

REVOCATIONS

SUSPENSIONS

REPRIMANDS

Silver, Barbara (Fall Creek) Principal Broker 881200007, Stipulated Order dated April 20, 2018, issuing a reprimand.

Wise, Richard (Brookings) Broker 201211569, Stipulated Order dated April 23, 2018, issuing a reprimand.

CIVIL PENALTIES

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

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate License of)
5)
6 BARBARA SILVER) STIPULATED FINAL ORDER
7)
8)
9

10 The Oregon Real Estate Agency (OREA) and Barbara Silver (Silver) do hereby agree
11 and stipulate to the following:

12 FINDINGS OF FACT
13 &
14 CONCLUSIONS OF LAW

15 1.

16 1.1 Silver was licensed as a principal broker with United Country Peaceful Escape
17 Real Estate (United Country PERE) from September 9, 2010 to April 5, 2017. Silver's license
18 was also associated with Peaceful Escape Real Estate LLC (Peaceful Escape Real Estate)
19 since July 22, 2009, and she is currently still working under this company.

20 1.2 On June 21, 2016, Silver associated Richard Wise's (Wise) broker license with
21 United Country PERE.

22 1.3 Soon after Wise was associated with United Country PERE, Silver drove down
23 from Fall Creek, Oregon, to meet with Wise, who was in Brookings, Oregon, to discuss him
24 working under her supervision.

25 1.4 In July 2016, OREA received a complaint against Wise related to his advertising
26 and alleging that Wise was working out a branch office located at 16189 Hwy 101 S,
27 Brookings, OR 97415, that was not registered with OREA.

28 1.5 On August 23, 2016, OREA issued an Educational Letter of Advice (ELOA) to
29 Wise, regarding advertising. Specifically, Wise was found to be in violation of OAR 863-015-
30 0125(2)(b) and OAR 863-015-0125(5)(a). Silver received a copy of the ELOA mailed to Wise.

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate License of

5
6 RICHARD E. WISE

7
8 } STIPULATED FINAL ORDER
9

10 The Real Estate Agency (OREA) and Richard E. Wise (Wise) do hereby agree and
11 stipulate to the following:

12 FINDINGS OF FACT
13 &
14 CONCLUSIONS OF LAW

15 1.

16 1.1 Wise was licensed as a broker associated with United Country – Realty on the
17 Rogue from November 28, 2015, to June 1, 2016. His license was then associated with United
18 Country Peaceful Escape Real Estate (United Country PERE) from June 21, 2016, to April 5,
19 2017.

20 1.2 In July 2016, OREA received a complaint against Wise related to his advertising
21 and alleging that Wise was working out of a branch office located at 16189 Hwy 101 S,
22 Brookings OR 97415 (United Country PERE branch office) that was not registered with OREA.
23 The complaint stated signage at this location and Wise’s listings did not contain the “Peaceful
24 Escape” portion of the registered business name.

25 1.3 On August 23, 2016, OREA issued an Educational Letter of Advice (ELOA) to
26 Wise, regarding advertising. Specifically, Wise was found to be in violation of OAR 863-015-
27 0125(2)(b) and OAR 863-015-0125(5)(a). Barbara Silver (Silver), Wise’s principal broker,
28 received a copy of the ELOA mailed to Wise.

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1 1.4 In September 2016, OREA received additional information showing a photo of a
2 large banner with "United County Real Estate," with Wise's name and phone number outside
3 the United Country PERE branch office. This location was still not registered with OREA as a
4 branch office.

5 1.5 In October 2016 OREA opened an investigation.

6 1.6 From the investigation, OREA learned Wise had adverse judgements against him
7 that he failed to report. In November 2, 2016, a judgement against Wise was issued by Curry
8 County Circuit Court ordering him to pay a money award of \$3,240.00 to his previous principal
9 broker, Shirley Chamberlain. OREA did not learn about this judgement until
10 Investigator/Auditor Aaron Grimes (Grimes) met with Wise, on March 14, 2017.

11 **Violation:** By failing to notify OREA within twenty calendar days after receipt of the
12 judgement, Wise violated ORS 696.301(3) as it incorporates OAR 863-015-0175(1)(b) and (c),
13 (3), and (4) (5/15/2014 Edition). Per OAR 863-015-0175 (1) real estate licensees must notify
14 the commissioner of: (b) any adverse decision or judgement resulting from any civil or criminal
15 suit or action or arbitration proceeding related to the licensee in which the licensee was named
16 as a party and against whom allegations concerning any business conduct or professional real
17 estate activity is asserted; and (c) any adverse decision or judgment resulting from any other
18 criminal or civil proceeding that reflects adversely on the "trustworthy and competent"
19 requirements contained in ORS Chapter 696 and its implementing rules. (3) The notification
20 required by this rule must be in writing and must include a brief description of the
21 circumstances involved, the names of the parties, and a copy of the adverse decision,
22 judgement, or award, and in the case of a criminal conviction, a copy of the sentencing order.
23 If any such judgement, award or decision is appealed, each subsequent appellate court
24 decision is subject to this rule's notification requirements. (4) The notification required by this
25 rule must be made within twenty 20 calendar days after receiving written notification of an
26 adverse judgement, award, or decision described in this rule. Notification must be made under
27 this rule whether or not the decision is appealed.

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1 1.7 On April 25, 2016, Wise was sentenced for Driving Under the Influence of
2 Intoxicants. He pled guilty and diversion was stipulated to. The Diversion Order was signed
3 on April 25, 2016. OREA did not find out about this conviction until March 14, 2017. On April
4 17, 2017, Wise paid his fine and a Dismissal of Show Cause and Notice of Intent to dismiss
5 the DUII Diversion was filed in Curry County Circuit Court.

6 **Violation:** By failing to notify OREA of the criminal conviction within 20 calendar days,
7 Wise violated ORS 696.301(3) as it incorporates OAR 863-015-0175(1)(a), (3), and (4)
8 (5/15/2014 Edition). Per OAR 863-015-0175, (1) real estate licensees must notify the
9 commissioner of: (a) any criminal conviction (felony or misdemeanor), including a “no contest”
10 plea or bail forfeiture; (3) The notification required by this rule must be in writing and must
11 include a brief description of the circumstances involved, the names of the parties, and a copy
12 of the adverse decision, judgement, or award, and in the case of a criminal conviction, a copy
13 of the sentencing order. If any such judgement, award or decision is appealed, each
14 subsequent appellate court decision is subject to this rule’s notification requirements. (4) The
15 notification required by this rule must be made within twenty 20 calendar days after receiving
16 written notification of an adverse judgement, award, or decision described in this rule.
17 Notification must be made under this rule whether or not the decision is appealed.

18 1.8 Wise had signs for “United Country,” with his name and phone number around
19 Brookings. His signature block on his emails stated he worked for “United Country Real
20 Estate,” instead of United Country PERE.

21 **Violation:** By advertising under United Country Real Estate rather than United Country
22 PERE, Wise violated ORS 696.301(3) as it incorporates ORS 696.026(7)(b) (2015 Edition),
23 OAR 863-015-0125(4) and (9)(b)(B) (5/15/2014 Edition). Per ORS 696.026(7)(b) (2015
24 Edition), if the principal broker has a registered business name: (b) all professional real estate
25 activity conducted by a real estate licensee associated with the principal broker must be
26 conducted under the registered business name. OAR 863-015-0125(4) requires that the
27 licensed name or registered business name of the principal broker must be prominently
28 displayed, immediately noticeable, and conspicuous in all advertising. OAR 863-015-
29 0125(9)(b)(B) requires electronic advertising to include on its first page the licensed name or
30 registered business name of the principal broker. Lastly, Wise violated ORS 696.301(4), and

1 14) (2015 Edition), which states a licensee's real estate license can be disciplined if they have:
2 (4) knowingly or recklessly published materially misleading or untruthful advertising.

3 1.9 On February 2, 2017, Wise and Silver filled out a subscriber change form to
4 update RMLS. They stated Wise transferred from United Country PERE to Peaceful Escape
5 Real Estate.

6 1.10 After February 9, 2017, Wise advertised his listings in the magazine and website
7 of move2oregon.com under the registered business name of Peaceful Escape Real Estate.
8 Wise's license was never associated with Peaceful Escape Real Estate in OREA records.

9 **Violation:** By advertising under the business name Peaceful Escape Real Estate while
10 associated with United Country PERE, Wise violated ORS 696.301(3) as it incorporates ORS
11 696.026(7)(b) (2015 Edition) and OAR 863-015-0125(2)(b) and (4) (5/15/2014 Edition). Per
12 ORS 696.026(7)(b) (2015 Edition), if the principal broker has a registered business name: (b) all
13 professional real estate activity conducted by a real estate licensee associated with the
14 principal broker must be conducted under the registered business name. Per OAR 863-015-
15 0125(2)(b), advertising by a licensee, in process and in substance must: (b) be truthful and not
16 deceptive or misleading. OAR 863-015-0125(4) requires that the licensed name or registered
17 business name of the principal broker must be prominently displayed, immediately noticeable,
18 and conspicuous in all advertising. Lastly, Wise violated ORS 696.301(4) (2015 Edition), which
19 states a licensee's real estate license can be disciplined if they have: (4) knowingly or
20 recklessly published materially misleading or untruthful advertising.

21 All of the above demonstrate incompetence in performing acts for which Wise is
22 required to hold a license.

23 **Violations:** ORS 696.301(12) (2015 Edition). ORS 696.301(12) states a licensee's real
24 estate license can be disciplined if they have demonstrated incompetence or untrustworthiness
25 in performing any act for which the real estate licensee is required to hold a license.

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2.

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

STIPULATION & WAIVER

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

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

ORDER

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

IT IS SO STIPULATED:

IT IS SO ORDERED:





RICHARD E. WISE

GENE BENTLEY

Real Estate Commissioner

Date 4/16/18

Date 4.23.18

Date of Service: 4/23/2019

1 1.6 Silver said she spoke with Wise about the issues addressed in the ELOA and he
2 assured her they had been or were being taken care of.

3 1.7 In September 2016, OREA received further complaint information regarding
4 Wise's advertising. A photo showed a United Country Real Estate banner with Wise's name
5 and phone number outside his office location in Brookings.

6 1.8 On September 29, 2016, OREA issued an ELOA to Silver regarding her
7 supervision of Wise. She was advised of Wise's continued noncompliance with the advertising
8 rules. Silver was also advised that Wise was working out of a building with a United County
9 Real Estate banner that was not registered as a branch office.

10 1.9 Silver claimed she did not receive the September 29, 2016, ELOA. The letter
11 was not returned to OREA.

12 1.10 Towards the end of January 2017, Silver started transitioning away from United
13 Company PERE towards the use of Peaceful Escape Real Estate.

14 1.11 On January 30, 2017, Silver filled out an office change form to update RMLS.
15 She stated to RMLS that the new name of her office was Peaceful Escape Real Estate. She
16 gave a new address for her company at 39074 Jasper Lowell Rd, Fall Creek (Fall Creek
17 general store/real estate office).

18 1.12 On February 2, 2017, Wise and Silver filled out a subscriber change form to
19 update RMLS. They stated Wise transferred from United Country PERE to Peaceful Escape
20 Real Estate.

21 1.13 After February 9, 2017, Wise advertised his listings in the magazine and website
22 of move2oregon.com under the registered business name of Peaceful Escape Real Estate.
23 Silver reviewed this advertising by Wise.

24 1.14 Silver failed to associate Wise's license with Peaceful Escape Real Estate in
25 OREA licensing database. Wise's license was never associated with Peaceful Escape Real
26 Estate in OREA records.

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1 **Violation:** By failing to associate Wise's license with Peaceful Escape Real Estate with
2 OREA prior to Wise advertising under Peaceful Escape Real Estate, Silver violated ORS
3 696.301(3) as it incorporates ORS 696.026(6) and (7) (2015 Edition). Per ORS 696.026(6), a
4 principal real estate broker may only conduct professional real estate activity under: (a) the
5 principal broker's licensed name or; (b) a registered business name. Per ORS 696.026(7), if a
6 principal broker has a registered business name: (a) All professional real estate activity
7 conducted by the principal broker must be conducted under the registered business name; and
8 (b) all professional real estate activity conducted by a real estate licensee associated with the
9 principal broker must be conducted under the registered business name.

10 Silver also violated ORS 696.301(3) as it incorporates OAR 863-015-0125(2)(b),(4), and (6)
11 (5-15-14 Edition). Per OAR 863-015-0125(2)(b), advertising by a licensee in process and in
12 substance must be truthful and not deceptive or misleading. OAR 863-015-0125(4) states the
13 licensed name or registered business name of the principal real estate broker must be
14 prominently displayed, immediately noticeable, and conspicuous in all advertising. Per OAR
15 863-015-0125(6) a principal real estate broker: (a) is responsible for all advertising approved
16 by the principal broker that states the principal broker's licensed name or registered business
17 name; and (b) must review all advertising of a real estate broker who is associated with the
18 principal real estate broker.

19 Lastly, Silver violated ORS 696.301(3) as it incorporates OAR 863-015-0140(3) (5/15/2014
20 Edition), which states a principal broker must supervise and control the professional real estate
21 activity at any main or branch office registered by the principal broker.

22 1.15 On March 13, 2017, OREA Investigator/Auditor Aaron Grimes visited the building
23 Wise was working out of in Brookings. Wise's business card was in the window. The
24 company name on the card was, "United Country Real Estate," with "Peaceful Escape," in a
25 smaller, stylized font underneath.

26 1.16 Inside and visible through the glass, Wise had "For Sale," signs that listed his
27 name, phone number and "United Country." Business hours were posted by the front door,
28 with his phone number and a handwritten, "Real Estate Office," sign.

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1 1.17 Grimes spoke with Wise on March 14, 2017. Wise had a large "United Country
2 Real Estate" sign with his name and phone number inside the office above his computer and
3 desk. Previously this sign had been hanging outside the business location.

4 **Violation:** By allowing Wise to continue to conduct professional real estate activity out
5 of his office in Brookings, and failing to register the location as a branch office, Silver violated
6 ORS 696.301(3) as it incorporates ORS 696.200(5) (2015 Edition), which requires a principal
7 broker to register each branch office with OREA and designate each branch office by a sign
8 that contains the name under which the real estate licensee conducts professional real estate
9 activity.

10 1.18 On April 4, 2017, Grimes met with Silver, at her new main office location for
11 United Company PERE, the Fall Creek general store/real estate office located at 39074 Jasper
12 Lowell Rd, Fall Creek.

13 1.19 Until Silver updated OREA's licensing system on April 6, 2018, the main office
14 location disclosed to OREA for United Country PERE was 39570 Little Fall Creek Rd, Fall
15 Creek (Silver's Home)

16 **Violation:** By failing to notify OREA prior to the main office location change, Silver
17 violated ORS 696.301(3) as it incorporates ORS 696.200(1)(d) (2015 Edition), which requires
18 a principal broker to notify OREA of the new location before changing a main office location.

19 1.20 When Grimes met with Silver on April 4, 2017, OREA licensing records showed
20 United Country PERE had a branch office in Cottage Grove. Silver told Grimes that this
21 location was no longer active. Until Silver updated OREA licensing database on April 4, 2017,
22 this branch office closure had not been disclosed to OREA.

23 **Violation:** By failing to notify OREA of a change in branch office location, Silver violated
24 ORS 696.301(3) as it incorporates ORS 696.200(5)(c) (2015 Edition), which states a principal
25 broker shall notify OREA of the new location before changing a branch office location.

26 2.

27 2.1 OREA reserves the right to investigate and pursue additional complaints that
28 may be received in the future regarding this licensee.

29 ///

30 ///

1
2 STIPULATION & WAIVER

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

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

18 ORDER

19 IT IS HEREBY ORDERED that Silver's principal broker license be, and hereby is,
20 reprimanded.

21
22 IT IS SO STIPULATED:

23
24 
25 _____
26 BARBARA SILVER

27
28 Date 4-16-18

IT IS SO ORDERED:

29
30 

GENE BENTLEY
Real Estate Commissioner

Date 4.20.18

Date of service: 4/20/2018

**REAL ESTATE BOARD
REGULATION DIVISION REPORT
June 4, 2018**

Regulation Division Manager: Selina Barnes
Compliance Specialists 3 (Compliance Coordinator): Deanna Hewitt, Rob Pierce
Financial Investigators (Investigator-Auditor): Jeremy Brooks, Aaron Grimes,
 Frances Hlawatsch, Philip Johnson, Meghan Lewis, Lisa Montellano, Lindsey Nunes
Compliance Specialist 2: Carolyn Kalb
Compliance Specialists 1: Sue Davenhill, Denise Lewis
Administrative Specialist: Liz Hayes

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, background check investigations and self-administered compliance reviews. They also respond to inquiries regarding regulations and filing complaints from the public, licensees, and other governmental agencies.

Workload and Activity Indicators

<u>Average # Current Status</u>	<u>Q1 2017</u>	<u>Q2 2017</u>	<u>Q3 2017</u>	<u>Q4 2017</u>	<u>Q1 2018</u>	<u>5/23/18</u>
Complaint	20	24	23	34	30	15
Pending Assignment	29	14	10	11	13	18
Investigation	49	55	51	45	35	38
<i>(# of Investigators)</i>	7	7	7	7	7	7
Admin Review	30	27	40	62	69	37

Selina will be presenting "ATTENTION: Violation Prevention!" following the board meeting. She will also be giving this presentation as follows:

- June 7th, Salem
- June 12th, Hillsboro
- June 27th, Mt. Angel

For information on investigations resulting in administrative actions, please review the "Administrative Actions Summary" section of the Board packet.

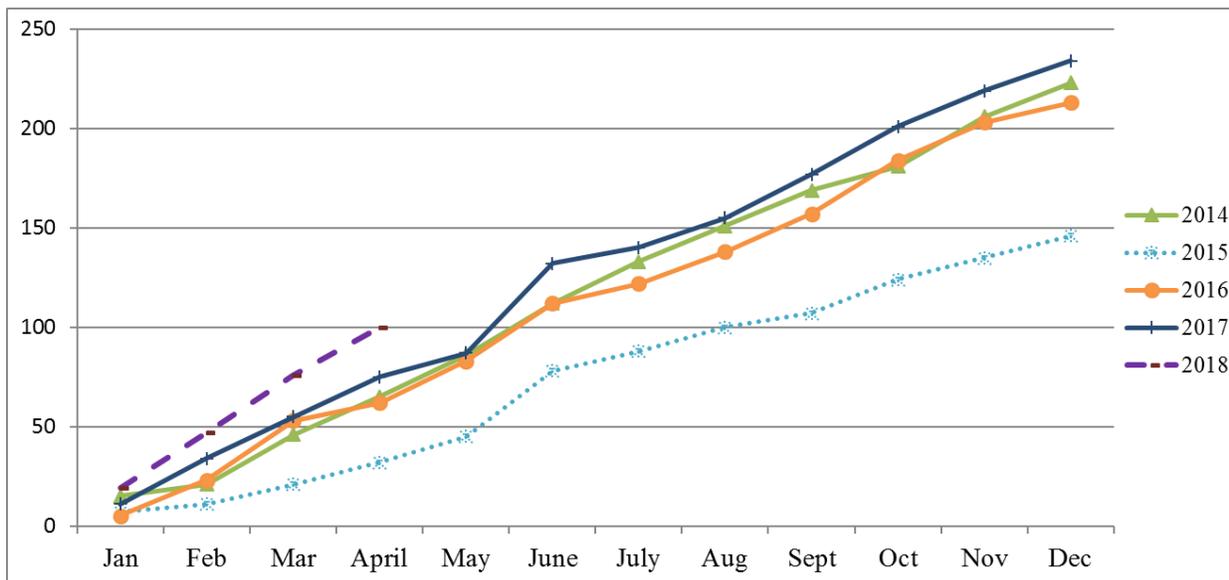
**Report to the Real Estate Board
Land Development Division
4 June 2018**

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



Continuing the upward trend we’ve experienced since 2015, the pace of filings in early 2018 exceeds the previous year. Our historical average filing volume (per month) for this time of year (January/February) is 14.5; this year, we are averaging 25 filings per month. That number will need to be adjusted upwards again next month, as we already have 27 filings for May (as of May 22nd, the date this report was written).

Land Development Procedural Changes:

The agency is in the process of taking the annual reporting for unit owners' associations online. Doing so will save the agency approximately 5 work hours per week up front in reduced filing time and provides additional time savings on the back end when tracking/processing payments. This process is a work around to some degree, as it still requires two signatures/executions. The legislative fix discussed below related to UOA filings will reduce the signature requirement to one.

Future Legislation, 2019 Regular Session

Agency Housekeeping Bill

This is a minor housekeeping bill that will address two unrelated issues: removing the photo requirement from ORS 94.980(2), regarding membership campground salesperson applications, and clarifying in ORS 696.030(13) that vacation rentals are not subject to regulation. We are removing the photo requirement because this is a holdover and out of line with other licensure types, where we do not require a photo. The clarification regarding vacation rentals is essentially removing the word "nonlicensed", which we added inadvertently in our comprehensive cleanup of Chapter 696 during the 2017 session.

Update: This concept has been approved by DAS and is awaiting submission to the Office of Legislative Counsel, which will occur sometime in early June.

Industry Concepts Impacting Condominium Regulation

We are aware of two legislative concepts being proposed by the public that impact the condominium regulation. As these are not agency bills, our role is to act as a resource as needed during the course of development.

The first concept is a reorganization and tightening up of the filing process for condominiums. As initially drafted for the 2017 session, this bill did not have substantive changes to law and focused on process and timing for filing requirements. This concept also modernizes Chapter 100 to facilitate future translation of the condominium filing process from paper to digital.

The second concept relates to the requirement of condominium unit owners associations to file annual reports with the agency. As background, every association is supposed to file an annual report with the agency. That report includes contact information for the chairperson, secretary, and agent. It also must be signed by two of the three, with one of them being the agent. This concept will change the signature requirement on annual reports from two signatures to one and make any changes necessary to ensure such annual reports can be filed digitally. These changes will facilitate the future conversion of the annual reporting to an online format.

**REAL ESTATE BOARD
ADMINISTRATIVE SERVICES DIVISION REPORT
June 4, 2018**

Administrative Services Manager: Anna Higley
Communications Coordinator: Mesheal Heyman
Accountant: Caty Karayel
Systems Administrator: Tiffani Miller
Program Analyst: Rus Putintsev

Customer Service Manager: Madeline Alvarado
Compliance Specialist: Tami Schemmel
Compliance Specialist: Danette Rozell
Licensing Specialist: Jenifer Wetherbee
Receptionist: 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. This division manages budget/allotment preparation, accounting, purchasing and contracting, inventory control, facilities, payroll, special projects, information technology (IT), reception, licensing services, communications and education.

Budget Update

Financial Projections: For the 2017-19 biennium projected revenue is at **\$8.6 million** and projected expenses are at **\$7.8 million**. The legislature passed HB 5006 in the 2017 session which reduced state Agency budgets by approximately 3.5%. The Oregon Real Estate Agency budget was reduced by \$276,000 which is primarily expected to be met with vacancy savings.

Education

The legislature passed HB 4048 which introduces a Principal Broker Advanced Practices course requirement. This applies to principal brokers renewing for the first time or reactivating their license from the inactive status (after an initial renewal in the inactive status) beginning in July 2019. In collaboration with a work group of industry professionals and educators the Agency finalized the course outline for distribution to educators on May 17th. Schools are expected to begin delivering the new course in October 2018.

The Agency will be communicating via email with licensees affected by this new education requirement as well as publishing information in the OREN-J.

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>	427	365	395	351	341							
<u>Failed to Renew</u>	23	26	21	21	TBD							
<u>% Renewed</u>	95%	93%	95%	94%	TBD							

Licensing Statistics

Total Licensee Counts by Month:

Individuals (Persons)	Mar-18	Apr-18
Broker – Total	15,288	15,396
Active	13,522	13,689
Inactive	1,766	1,707
Principal Broker - Total	6,432	6,438
Active	6,037	6,055
Inactive	395	383
ALL BROKERS Total	21,720	21,834
Active	19,559	19,744
Inactive	2,161	2,090
Property Manager - Total	918	916
Active	822	820
Inactive	96	96
MCC Salesperson	20	21
MCC Broker	1	1
TOTAL INDIVIDUALS	22,659	22,772
Active	20,402	20,586
Inactive	2,257	2,186
Facilities (Companies)		
REMO	4	6
Registered Business Name (RBN)	4,023	4,007
Registered Branch Office (RBO)	731	725
Escrow Organization	58	58
Escrow Branch	145	145
PBLN	NA	NA
PMLN	NA	NA
CEP	299	303
MCC Operator	25	25
TOTAL FACILITIES	5,285	5,269
TOTAL INDIVIDUALS & FACILITIES	27,944	28,041

Individuals (Persons)	Mar-18	Apr-18
Broker	187	217
Principal Broker	12	12
TOTAL BROKERS	199	229
Property Manager	16	8
MCC Salesperson	0	1
MCC Broker	0	0
TOTAL INDIVIDUALS	215	238
Facilities (Companies)		
Continuing Education Provider (CEP)	2	4
REMO	0	1
Registered Business Name	49	39
Registered Branch Office	5	5
PBLN	NA	NA
PMLN	NA	NA
Escrow Organization	0	0
Escrow Branch	0	0
MCC Operator	0	0
TOTAL FACILITIES	54	45
TOTAL INDIVIDUALS & FACILITIES	269	283

New Licenses by Month:

Exam Statistics

April 2018

Total

ALL LICENSING EXAMS

Broker	507
Property Manager	19
Principal Broker	48
Reactivation	10

Pass Rates

<i><u>First Time Pass Rate</u></i> <i><u>Percentage</u></i>	<i><u>2014</u></i>	<i><u>2015</u></i>	<i><u>2016</u></i>	<i><u>2017</u></i>	<i><u>2018</u></i>
Broker State	72	69	64	61	58
Broker National	78	78	74	73	73
Principal Broker State	61	62	59	58	60
Principal Broker National	86	78	75	76	78
Property Manager	61	59	64	69	67

Oregon Real Estate Agency
 Administrative Services Division
 Licensee Application & Renewal
 2017 Data

New Applications													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Brokers	345	278	333	321	289	290	286	255	279	281	330	313	3600
Principal Brokers	44	35	33	34	42	30	23	56	41	39	40	36	453
Property Managers	23	27	33	21	17	17	21	30	23	20	16	20	268
Total	412	340	399	376	348	337	330	341	343	340	386	369	4321

Renewed & Lapsed Licenses														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	343	343	392	381	412	423	475	437	458	431	381	414	4890
	Inactive	46	41	42	30	35	47	44	26	46	38	38	40	473
Late	Active	39	30	25	31	38	34	31	42	46	62	36	29	443
	Inactive	13	7	5	4	8	6	9	9	9	6	15	15	106
Lapse		72	79	68	91	84	73	85	89	82	81	60	76	940
Total		513	500	532	537	577	583	644	603	641	618	530	574	6852

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	205	176	207	200	189	238	246	243	231	212	205	232	2584
	Inactive	20	8	14	12	9	8	13	4	8	9	13	16	134
Late	Active	15	8	11	14	19	17	12	20	18	18	11	16	179
	Inactive	1	1	2	3	5	1	4	3	4	1	2	1	28
Lapse		30	22	24	21	17	25	24	18	25	25	24	30	285
Total		271	215	258	250	239	289	299	288	286	265	255	295	3210

Oregon Real Estate Agency
Administrative Services Division
Phone Counts

(minutes: seconds)	Jan – 18	Feb – 18	Mar – 18	Apr – 18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	17-Nov	Dec-18	2018 Average
Call Count	2317	2006	2263	2063									2161.5
Average Wait Time	:22	:15	:17	:16									:19
Maximum Wait Time	5:32	3:23	8:58	7:05									4:27

(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

	<u>Legislative Approved Budget</u>	<u>Expected Total Expenditures for Biennium (current)</u>	<u>Expected Remaining Limitation at end of Biennium</u>
Total Personal Services	6,121,432	6,397,461	(276,029)
Services & Supplies and Capital Outlay Detail:			
In-State Travel & Out-of-State Travel	95,146	128,413	(33,267)
Employee Training	35,640	21,296	14,344
Office Expenses	113,231	39,198	74,434
Telecom/Tech Services & Support	29,024	61,762	(32,412)
State Government Services	205,532	216,231	(9,859)
Data Processing	85,296	92,261	(10,699)
Publicity & Publications	55,374	984	55,200
Professional Services & IT Professional Services	178,828	258,530	(79,702)
Attorney General Legal Fees	254,553	199,353	55,200
Employee Recruitment	7,464	1,000	6,464
Dues & Subscriptions	9,224	3,727	5,497
Facilities Rent & Taxes	245,290	228,056	17,234
Facilities Maintenance	4,354	2,250	2,104
Agency Program Related S&S	39,796	1,789	38,007
Other Services & Supplies	116,647	114,134	2,513
Expendable Property \$250-\$5000	28,081	6,435	21,646
IT Expendable Property	157,006	28,132	128,874
Total Services & Supplies and Capital Outlay	1,660,486	1,403,551	256,935
Totals	7,781,918	7,801,012	(19,094)