Regular Meeting Minutes
OREGON REAL ESTATE BOARD
Monday, August 3, 2015

BOARD MEMBERS: Byron Hendricks, Chair
Bob LeFeber, Vice-Chair
Lawnae Hunter
Marcia Edwards
Pat Ihnat
Jef Farley
Joann Hansen
Chris Hermanski
Coni Rathbone

OREA STAFF: Gene Bentley, Commissioner
Dean Owens, Deputy Commissioner
Leandra Hagedorn, Board Liaison

GUESTS: Dave Koch, Self
Alex MacLean, Self
Peri Henderson, Self
Mike and Linda Forbes, Superior Schools
Jason de Vries, Self
Michelle Deister, Legislative Fiscal

I. BOARD BUSINESS – Chair Hendricks
   A. Call to Order. Chair Hendricks called the meeting to order at 10:00 am.
   B. Roll Call/Chair Hendricks comments. Chair Hendricks explained the role of the board members and also OREA staff. Chair Hendricks asked the board members to introduce themselves and give a brief description of their backgrounds. He also asked Deputy Commissioner Owens and Commissioner Gene Bentley to introduce themselves and briefly describe their backgrounds.
   C. Approval of the Agenda and Order of Business. Jef Farley pointed out that the address for the Agency was incorrect as 503 Center St NE. The correct address is 530 Center St. NE.

MOTION TO APPROVE AGENDA WITH CORRECTION OF AGENCY ADDRESS BY JEF FARLEY
SECOND BY CONI RATHBONE
MOTION CARRIED BY UNANIMOUS VOTE

D. Approval of 6.1.15, regular meeting minutes. 6.1.15 regular meeting minutes approved as submitted.

MOTION TO APPROVE THE 6.1.15 REGULAR MEETING MINUTES AS SUBMITTED BY MARCIA EDWARDS
SECOND BY CONI RATHBONE
MOTION CARRIED BY UNANIMOUS VOTE

E. Date of the Next Meeting: October 5, 2015 to begin at 10 am in Ontario, Oregon location to be determined.

   • PUBLIC COMMENT. Colin Mulano inquired about the Agency’s licensing system specifically relating to the uploading of CE hours. He requested that the system be streamlined and information updated automatically rather than the current self-reporting process. Commissioner Bentley responded that the Agency has launched a new version of the eLicensing system which is more user friendly and by mid-
September licensees will be able to use the anytime self-reporting function within the system. He also clarified that the Agency does not have an allotment in the budget to purchase software that would allow automatic uploading of this information. Discussion: Chair Hendricks asked the board members if they were interested in taking this issue up on a future agenda. Marcia Edwards responded that as a consumer protection based Agency and board she was opposed to this. Chair Hendricks explained that was also opposed to this issue as an agenda item and called for a motion. No motion was made, therefore the issue died.

- This time is set aside for persons wishing to address the Board on matters on the agenda. Speakers will be limited to five minutes.
- The Board Chair reserves the right to further limit or exclude repetitions or irrelevant presentations. If written presentations, If written material is included, 12 copies of all information to be distributed to board members should be given to all interested parties.
- IF no one wishes to comment, the next scheduled agenda item will be considered.

II. REQUEST FOR WAIVERS-Waiver request log.

A. Jason de Vries requests experience waiver for principal broker license. Mr. de Vries appeared in person. Chair Hendricks asked Mr. de Vries to address the board with any information he wanted to add to his request for waiver application. Mr. de Vries responded that he would rely on the information he provided in his written application and explained that in September he would meet the three years of experience requirement. Discussion: None.

MOTION TO APPROVE JASON DE VRIES’S REQUEST FOR EXPERIENCE WAIVER FOR PRINCIPAL BROKER LICENSE BY BOB LEFEBER.
SECOND BY CONI RATHBONE
MOTION CARRIED BY UNANIMOUS VOTE

III. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER-Approval of petition log.

A. Peri Henderson will appear in person. Peri Henderson appeared in person. Chair Hendricks asked Ms. Henderson to address the board with any information she wanted to add to her written petition. Ms. Henderson explained that she held a licensee back in the 1990’s and she has been involved in real estate lending for several years as well. She also stated that she offers the following topics in her classes: RESPA, finance, and ethics which are all considered approved course topics. Vice-Chair LeFeber asked Ms. Henderson if she wanted to have the provider certification under her name or the Education Center. Ms. Henderson stated that she would like to amend her petition to reflect the Education Center as the certified provider. Discussion: Marcia Edwards stated that she appreciated that Ms. Henderson understood her limitations and expertise and deferred to other experts. Coni Rathbone clarified that as a provider Ms. Henderson could have qualified instructors teach the courses.

MOTION TO APPROVE EDUCATION CENTER’S PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER BY BOB LEFEBER
SECOND BY CONI RATHBONE
MOTION CARRIED BY UNANIMOUS VOTE

IV. BOARD ADVICE/ACTION-Deputy Commissioner Dean Owens. Land Development condominium filing fee charge. Deputy Commissioner Owens provided the board with Exhibit A (Proposed Language for OAR 863-060-0010, Condominium Fee Increase). Mr. Owens explained that the Land Development division spends a significant amount of time reviewing and approving condominium filings at the current hourly rate of $46. He also stated that the Agency reviewed this process and determined that a fee increase through statutory change was appropriate. Mr. Owens asked the board to approve the Agency to proceed with filing this rule change. Discussion: Marcia Edwards asked Mr. Owens how many hours are typically spent during the review process. Mr. Owens responded that anywhere from 5 to 18 hours could be involved based on the complexity of the filings. Bob LeFeber noted that the current statute only allows the Agency to collect $100 deposit and inquired if any issues have come up with this. Mr. Owens responded that the Agency will not be addressing the deposit. Chair Hendricks stated that he was in support of the motion to approve the fee increase.
MOTION TO APPROVE PROPOSED LANGUAGE FOR OAR 863-060-0010 CONDOMINIUM FILING REVIEW FEE INCREASE BY BOB LEFEBER
SECOND BY JOANN HANSEN
MOTION CARRIED BY UNANIMOUS VOTE

V. BOARD CHAIR ELECTION. Chair Hendricks announced that he and Bob LeFeber would both be stepping down from the REA board and they both thought it would be in the best interests of transition to elect replacements at this time. Vice-Chair LeFeber nominated Chris Hermanski.

MOTION TO ELECT CHRIS HERMANSKI AS BOARD CHAIR, EFFECTIVE IMMEDIATELY FOLLOWING 8.3.15 MEETING BY BOB LEFEBER
SECOND BY MARICA EDWARDS
MOTION CARRIED BY UNANIMOUS VOTE

VI. BOARD VICE CHAIR ELECTION. Vice-Chair LeFeber nominated Coni Rathbone.

MOTION TO ELECT CONI RATHBONE AS BOARD VICE-CHAIR EFFECTIVE IMMEDIATELY FOLLOWING THE 8.3.15 MEETING BY BOB LEFEBER
SECOND BY JOANN HANSEN
MOTION CARRIED BY UNANIMOUS VOTE

VII. COMMUNICATIONS – Administrative Actions Summary

VIII. REPORTS

A. Commissioner Bentley:
   • The LARCC meeting was held on July 15, 2015 – The purpose of this meeting was to review and discuss course content. Stacey Harrison will present the content outline at the October 5, 2015 board meeting.
   • CTA Audits - The Agency recently revoked a license for submission of false document regarding continuing education credit and this lead to a federal investigation.
   • SOS audit – The small business section met with the Agency regarding a property manager who was having difficulty passing the exam and wanted information to assist with failed questions. The Agency’s Public Records Request process is also being audited.
   • Agency relocation – The move to Equitable Center was based on cost reduction and smaller space being more appropriate.
   • Revenue sources – The Agency will be exploring a license fee increase during the next biennium

B. Agency division reports-Deputy Commissioner Dean Owens. Mr. Owens explained that the relocation was driven by cost reduction efforts and deficit spending. He also explained that Erica Kleiner’s position (Business and Licensing Services Division Manager) will remain vacant and also that Stacey Harrison’s position (Education Division Manager) will be terminated as of November 15, 2015.
   1. Regulation Division
   2. Education Division
   3. Land Development
   4. Business and Licensing Services Division

IX. ANNOUNCEMENTS – Next Board meeting 10.5.15 to begin at 10am in Ontario, Oregon location to be determined.

X. ADJOURNMENT

Respectfully submitted:

[Signature]
GENE BENTLEY, COMMISSIONER

Respectfully submitted:

[Signature]
CHRIS HERMANSKI, CHAIR

Exhibits distributed:

A. Proposed Language for OAR 863-060-0010, Condominium Fee Increase, Agenda Item No. IV
Statutory Authority to charge a fee for condominium filing and review:

100.670 Fees; hourly rate; deposit. (1) A developer or other person required to file materials or information with the Real Estate Commissioner under ORS 100.005 to 100.910 shall pay to the commissioner a fee as required under subsections (2) and (3) of this section for the review, approval and handling of the filings by the commissioner at the time of the initial filing with the commissioner.

(2) A fee charged by the commissioner under subsection (1) of this section shall be determined by the commissioner to cover the costs of the commissioner’s review, approval or revision activity. The fee shall be based upon an hourly rate that is subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fee and shall be within the budget authorized by the Legislative Assembly as that budget may be modified by the Emergency Board.

(3) The commissioner shall collect a deposit of $100 from a developer at the time of submitting a filing described in subsection (1) of this section. The amount of the deposit shall be deducted from the final fee computed as provided in subsection (2) of this section. [Formerly 94.354; 1991 c.703 §3]

Proposed language for new rule that establishes the fee based on the language in ORS 100.670

863-060-0010
Condominium Filing Review Fee

The hourly fee for review, approval or revision activities related to materials or information filed by a developer or other person with the Real Estate Commissioner under ORS 100.005 to 100.910 is two hundred dollars ($200) per hour. The effective date of this rule is October 1, 2015.