

Oregon Real Estate News-Journal

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Commissioner Gene Bentley

Coming Soon

Licensees Must Report CE at Renewal Starting May 1

Gene Bentley, Real Estate Commissioner

Continuing education information will be entered electronically as part of the online renewal process for active real estate licensees beginning May 1, 2014.

When you renew your active license anytime on or after May 1, 2014, you must enter course information into eLicense for all continuing education hours you complete during your license period.

You will find the information you need on your certificates of attendance. The Agency recommends that you have all your certificates or a completed Continuing Education Record Form available when you renew.

The Agency may review and verify the data you provide. If additional information is needed, the Agency may request copies of your continuing education records.

Inactive licensees are not required to take continuing education, and will not be required to enter any course information into eLicense.

Be Prepared to Renew Your Active License on or after May 1, 2014

1. **Complete your continuing education** from [certified continuing education providers](#).
2. **Take the three-hour Law and Rule Required Course.** (Required for all active licensees.)
3. **Take the 27-hour Broker Advanced Practices course** if you are renewing your broker license for the first time.
4. **Take the 27-hour Property Manager Advanced Practices course** if you are renewing your property manager license for the first time.
5. **Have all your certificates of attendance available.** (Remember you must keep your continuing education records for three years after renewal.)
6. **Count the number of hours you completed** to make sure it totals at least 30

Please see **Report CE at Renewal** on page 2



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Report CE at Renewal

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hours, including LARRC.

7. **Contact your certified continuing education provider** to resolve any problems with missing or incomplete certificates of attendance.

More information will be available in the April issue of the *Oregon Real Estate News-Journal*. The Agency will still continue to conduct random continuing education record audits (see “Continuing Ed Audit Update” below for more information. ■

Next Board Meeting on April 7 in Eugene

The Oregon Real Estate Board meets a minimum of six times a year. Board meetings begin at 10:00 a.m. unless otherwise indicated. Please check www.rea.state.or.us for updated information on location and agenda items.

Continuing Ed Audit Update

The Oregon Real Estate Agency continues to randomly audit the continuing education records of licensees who renew active licenses.

Since the initial audit of October license renewals, which was reported on in the December issue of the *Oregon Real Estate News-Journal*, the rate of apparent compliance has increased.

Licensees who were not in compliance failed to complete one or more of the following:

- The three-hour Law and Rule Required Course (LARRC).
- The Broker Advanced Practices course (required for new brokers only).
- The Property Manager Advanced Practices (required for new property managers only).
- At least 30 hours total of continuing education.

You can prepare for a possible audit by:

- **Completing the [required 30 hours of continuing education](#) before renewing an active license.** *You do not need continuing education for inactive license renewals.*
- **Take your classes from certified providers.** Before you take a continuing education class, make sure the provider

is certified by the Agency. ([Download the complete list of certified providers.](#))

- **Take the 3-hour LARRC.** All licensees must complete this course for each active renewal. ([Download a list of LARRC providers.](#))
- **Take an advance practices course** if you are a new [broker](#) or [property manager](#).
- **Make sure you get your certificate.** After completing each class, make sure you receive a certificate of attendance from the provider. Review each certificate and confirm it has the [required information](#).
- **Fill out the [Continuing Education Record form](#).** As you receive your certificates, use the form to keep track of your hours and classes.
- **Keep your certificates and form available for three years** after renewal. The Agency may request your records at any time, not just for random audits. ■

Continuing Education Audit Results	October Renewals	November Renewals	December Renewals
Appeared to be in compliance	55%	67%	80%
Did not meet the continuing education requirements.	22%	23%	17%
Did not meet the audit requirements.	23%	7%	0%
Excused from audit	0%	3%	3%

Oregon Real Estate License

CONTINUING EDUCATION REQUIREMENTS

Each licensee must complete 30 hours of continuing education from certified providers to renew an active license.



Brokers & Property Managers Renewing Active for First Time

- Complete a 27-hour advanced practices course **AND**
- Complete a 3-hour Law and Rule Required Course (LARRC).



Brokers, Principal Brokers & Property Managers Renewing Active (Not a First-Time Renewal)

- Complete the 3-hour LARRC course **AND**
- Complete at least 27 hours from certified continuing education providers.

Record Keeping Requirements for All Active Licensees

- Keep all certificates of attendance and the completed Continuing Education Record form for **3** years after active license renewal or reactivation.
- Provide copies of the certificates of attendance and/or the Continuing Education Record form upon request to the Agency.

Be prepared to provide your continuing education information at renewal.

You may be required to submit your CE records to the Agency at any time.

Inactive Licensees

Continuing education is not required to renew an inactive license.

Continuing education must be completed before **reactivating** a license.



Oregon Septic Smart

What you need to know about Oregon's new onsite septic system rules.

Priscilla Woolverton, DEQ Onsite Wastewater Specialist

Septic Systems & Real Property

Did you know that one-third of all Oregonians have homes with septic systems? That is over one million people! This means that most real estate brokers will eventually work with a client that is interested in buying or selling a home with a septic system. Septic systems are designed to collect and treat household sewage. When septic systems fail, public health and environmental health are negatively affected. Failing septic systems contaminate drinking water sources, disrupt natural nutrient cycles, cause toxic algae blooms, and may negatively

impact property values. Proper septic system maintenance is the best way to prevent septic system failure and protect public and environmental health.

Many homeowners do not know where to find information about proper septic system maintenance. Even so, the owner of a septic system is 100 percent responsible for making sure that their system is regularly serviced and operating correctly.

This becomes especially important when a home owner is interested in selling their home. Every home owner should complete a septic system inspection before transferring ownership of their property. At DEQ we call this inspection an "Existing System Evaluation." Because septic systems can fail for many reasons, having a septic system inspection will help to protect the interests of both the home seller and the home buyer.

Informed real estate agents can get their clients on the right track by guiding them to **Oregon Septic Smart** on the Oregon Department of Environmental Quality website. This website has a list of certified septic system Inspectors, as well as helpful information about septic system operation and maintenance.

Find **Oregon Septic Smart** at <http://www.oregon.gov/DEQ/WQ/pages/onsite/septicmart.aspx>.

Oregon Septic Smart is just one tool that DEQ is using to raise professional and community awareness about septic systems. DEQ is also working with your local realty associations to offer a septic system class. This class is designed for real estate professionals, and it covers the fundamentals of septic system operation and maintenance, as well as recent changes to the regulations that DEQ uses to oversee septic system activities in Oregon. Some of these rule changes may have an impact on the process of buying and selling residential homes with septic systems. Keep reading to learn more about a couple of the rule changes that may impact licensed real estate brokers and their clients.

Changes to Oregon's Septic System Regulations

Septic systems can effectively treat household sewage for a long time when they are properly maintained and operated. However, remembering to schedule regular septic system inspections and routine septic system maintenance can be a challenge. Some of the recent updates to Oregon's septic system regulations are intended to help to ensure that owners of septic systems are staying current with septic system inspections and maintenance.

Owners of sand filter septic systems installed after Jan. 1, 2014 are now required to

Editor's Note: This information is provided by the Oregon Department of Environmental Quality.

You may wish to seek legal advice if you have any questions about your responsibilities to your clients.

maintain a service contract with a certified onsite wastewater maintenance provider, and are required to inspect their sand filter system at least once every year. A report of the inspection findings must be submitted to DEQ with all required fees. A service contract, and mandatory annual inspections and reports, are also required for alternative treatment technology systems. As a real estate broker, it is important that you inform your clients of these changes, so they understand the responsibilities of owning a home with a sand filter or alternative system. Make sure that your clients are aware of these and other septic system regulations before transferring title to real property.

Another rule modification that may catch your attention is a change in mandatory septic system inspections at the time of transfer for homes that have alternative treatment technology systems. Time of transfer septic system inspections for alternative systems are no longer required whenever a home is bought or sold. A voluntary approach to time of transfer septic system inspections is one of the results of collaboration between the Oregon Association of Realtors® and DEQ. While time of transfer inspections are now 100 percent voluntary, both the Association and DEQ agree that having a septic system inspection prior to transferring property is 100 percent essential!

Does your client need to schedule a septic system inspection? Please visit <http://www.deq.state.or.us/wq/onsite/onsite.htm> to find septic system inspectors in your area.

Spread the Word about Oregon Septic Smart

As a real estate agent, you are in the best position to get the word out about Oregon Septic Smart. Whether you are working for a client that is selling a home, or you are helping a client find the perfect home, remember to keep the septic system on your radar! The best advice you can give your client? Have a septic system inspection by a certified onsite wastewater inspector before transferring title to real property. Direct all of your clients to the [DEQ Onsite homepage](#), and click on Oregon Septic Smart for more information. ■

Agency Asks for Comments on Proposed Rules

The Oregon Real Estate Agency has proposed changes to Oregon Administrative Rule Chapter 863. The Agency is asking for feedback on the new rules. Interested members of the public can make comments in writing or at the public hearing scheduled for 1:30 p.m. on March 26, 2014 at the Oregon Real Estate Agency office. *All written comments must be received no later than 5:00 p.m. on Friday, March 28, 2014.*

The following is a brief summary of the proposed changes:

1. The Agency will make permanent the temporary rules filed in November 2013. This includes:

- Adding a one-year expiration date to background check clearances required for initial licensing of brokers, principal broker and property managers.
- Removing the waiver of the national section of the broker license examination for applicants who hold out-of-state licenses.
- Changing the renewal process for certified continuing education providers.

2. A new rule will allow the Agency to require a person applying for employment with the Agency to complete a criminal background check.

3. Housekeeping updates eliminate obsolete language and references and aligns the administrative rules to Agency policy, procedures and terminology. This includes, but is not limited to:

- Adding definitions and processes for “Principal Broker Licensed Name (PBLN),” “Property Manager Licensed Name (PMLN).”
- Adding references to the current online processes for doing business with the Agency.
- Clarifying the responsibilities of certified continuing education providers to maintain records as required by Agency.

For the complete filing of the proposed rules and the hearing notice, please visit [Statutes and Rules](#). ■

Administrative Actions

December 21, 2013 through February 19, 2014

The Agency is required by Oregon Real Estate License Law to publish disciplinary actions. A list of those actions are listed below. The final order for each action can be viewed by clicking on the named individual.

Please note, there are individuals with real estate licenses that may have similar or the same names as those listed below, even in the same market area. If you are in doubt if an individual listed here is someone you know or with whom you are working, please contact the Agency for verification.

Finally, please note that stipulated settlements do not necessarily reflect all the factual violations initially alleged by the Agency, and the sanction(s) may have been adjusted as part of the negotiation process. Such settlements may not, therefore, directly compare in severity/sanction with other cases.

REVOCATIONS

[Twidwell, Tami](#) (Beaverton) Property Manager 200709154. Default Order dated January 8, 2014.

[Welding, Dephane](#) (Klamath Falls) Property Manager 971200120. Stipulated Order dated January 8, 2014.

CIVIL PENALTIES

Expired - Late Renewals

Civil penalties for late renewals 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)

[Gleysteen, Peter](#) (Grants Pass) Broker 940600222. Stipulated Order dated December 30, 2013 issuing a \$1,100 Civil Penalty.

[Dau, Tracy](#) (Portland) Broker 200503478. Stipulated Order dated January 9, 2014 issuing a \$100 Civil Penalty.

[Tompkins-Fiocchi, Mary](#) (Redmond) Principal Broker 810104035. Stipulated Order dated January 9, 2014 issuing a \$3,100 Civil Penalty.

[Afshar, Tamara](#) (Gresham) Broker 200601154. Stipulated Order dated January 27, 2014 issuing a \$300 Civil Penalty.

[Lapray, Jon](#) (Salem) Property Manager 970800023. Stipulated Order dated January 27, 2014 issuing a \$1,800 Civil Penalty.

[Newell, Rosemary](#) (Medford) Broker 901000237. Stipulated Order dated January 27, 2014 issuing a \$600 Civil Penalty.

[Smith, Carrie](#) (Gold Hill) Principal Broker 200202152. Stipulated Order dated January 27, 2014 issuing a \$600 Civil Penalty.

[Logan, Kimbal](#) (Vancouver, WA) Principal Broker 780301753. Stipulated Order dated January 28, 2014 issuing a \$600 Civil Penalty.

[Koeller, Chad](#) (Bend) Broker 200411299. Stipulated Order dated January 30, 2014 issuing a \$600 Civil Penalty.

[Martin, Wendy](#) (Sherwood) Broker, 201107012. Stipulated Order dated February 6, 2014 issuing a \$100 Civil Penalty.

Unlicensed Activity

[Shakier, Peontray](#) (Portland) Unlicensed, Default Order Dated January 14, 2014 issuing a \$5,500 Civil Penalty.

[Zhu, Jian “Carl” Feng](#) (California) Unlicensed, Stipulated Order dated February 5, 2014 issuing a \$250 Civil Penalty.

[Vail, Charles](#) (Salem) Unlicensed, Stipulated Order dated February 12, 2014 issuing a reprimand, with a \$250 Civil Penalty, and he must complete the 60-hour Property Manager Pre-License Course within four months, or the remaining \$1,250 civil penalty will be imposed. ■

E-Mail Addresses Held by Agency No Longer Public Record

The Oregon Real Estate Agency will no longer release the e-mail addresses of licensees or registrants.

The 2013 Oregon Legislature passed House Bill 3294. Effective January 1, 2014, Oregon Revised Statute 192.502 now exempts electronic mail addresses in posses-

sion of any state agency from public record disclosure laws.

Licensees are still required to provide an e-mail address to the Agency. Failure to update an e-mail or mailing address within 10 days of any change may result in administrative action. ■

Notify Agency of Open, Closed Clients' Trust Accounts in eLicense

Principal brokers and property managers must notify the Oregon Real Estate Agency when they open or close clients' trust accounts and security deposit accounts. To notify the Agency, licensees must use the eLicense system.

To add or remove a clients' trust account, you log in to your personal license account in eLicense. Once there, you will see a list of all

your trust accounts on file with the Agency.

Following the directions on the screen, you will first add any new accounts you may have. Once you have finished adding, you can then remove any closed clients' trust accounts.

The Agency uses the information on clients' trust accounts to conduct investigation and random audits. ■

Escrow Annual Reports Due March 31

The Oregon Real Estate Agency sent out notification to all Escrow Agents by e-mail and regular mail regarding the required annual report. This year the report documents must be provided to the Agency electronically through eLicense.

Any Escrow Agent who has not received notice should contact the Agency immediately to avoid missing the filing deadline.

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Mesheal Heyman, Editor

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