

Oregon Real Estate News-Journal

Official Publication of the Oregon Real Estate Agency

Volume 68, Number 5, October 2014



Commissioner
Gene Bentley

Renew On Time, Avoid Civil Penalty

Gene Bentley, Real Estate Commissioner

If you review the administrative actions published in this issue of the *Oregon Real Estate News-Journal*, you will see that they were all issued to licensees who continued to conduct professional real estate activity while their licenses were expired.

An expired licensee who continues to work can be fined \$100-\$500 for the first 30-day period, and \$500-\$1000 for subsequent 30-day periods.

Here are some suggestions to help you avoid a civil penalty for conducting professional real estate activity with an expired license.

Set a renewal reminder.

You must renew your license by the end of the month of your birthday every two years. Use your computer or smart phone to schedule a license renewal reminder. Or buy a paper calendar and highlight the month your license expires.

Make sure the Agency has your current e-mail address.

License renewals are sent by e-mail. Failure to receive the renewal e-mail is not an excuse for failing to renew a license.

Make sure that your e-mail and mailing addresses are updated in [eLicense](#) within 10 calendar days of any changes as required by [OAR 863-014-0062](#) and [OAR 863-024-0062](#).

If you do miss your license renewal date:

- **Stop conducting professional real estate activity immediately.** The fewer days you work without an active license, the less the civil penalty will be.
- **Renew your license in eLicense as soon as possible.** You have one year to renew your license late. After the one year, you lose all rights to that license

*Please see **Renew On Time** on page 2*



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Renew On Time

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and you must start the licensing process all over again; this includes meeting the new educational requirements and retaking the license examination.

- **Make sure your principal broker transfers your license back into the company.** After you renew your license late, but before you can conduct professional real estate activity, you must be become associated with your principal broker. The principal broker must log in to eLicense and transfer your license

back into the business. If you are the only principal broker or property manager in your company, please call the Agency for assistance.

Ultimately, the responsibility rests with you to remember to renew your license on time. Your license expiration date is always the last day of the month in which your birthday falls in. If you need additional assistance in determining your license expiration date, log into your eLicense account or contact the Agency. ■

Coming to Seaside:

Oregon Real Estate Board Meeting

Monday, December 1, 2014, 10:00 a.m.

[Rivertides Suites Hotel](#)

- **MEET the Board**
- **LEARN how the Board works with the Agency.**
- **LEARN how the Agency operates.**
- **TALK with Agency staff.**
- **GET your questions answered.**

Visit the [Real Estate Board webpage](#)
for more information.

Views from the Board

Give Your Input on the 3-Hour Law and Rule Required Course

Byron Hendricks, Chairperson, Oregon Real Estate Board

Greetings:

One of the responsibilities of the Real Estate Board is to approve the Law and Rule Required Course (LARRC) for each two year cycle.

Commissioner Gene Bentley and I met with the Portland Metropolitan Association of Realtors® (PMAR) Risk Reduction Committee in September and this topic came up in conversation. Discussion items included:

- Content of the 2016 LARRC Course (the current topics were approved by the Board for 2014 and 2015 to coincide with the Oregon Legislature’s regular session);
- The challenge for continuing education providers and instructors to teach the LARRC Course inclusive of the required items but still make it interesting to the attendees of the 3-hour course;
- Some “elective” topics that instructors or providers can include as part of the 3-hour course can really open lengthy conversations that can bog down the class due to the lack of awareness of ORS 696 and OAR 863. These items can include: advertising, teams, principal broker and broker files (Hint: They shouldn’t be different!), etc.

At our Real Estate Board meeting in Roseburg on October 6th, I raised this issue with the Board as a discussion item and asked the Board to consider if we should be providing more specific instructions to continuing education providers and instructors on the objectives of the “elective” topics to help them in raising awareness of these issues. The Board will consider this and decide if it should be an agenda item for an upcoming meeting.

The LARRC class is required for all licensees at every renewal. If you have input on how to make this course more valuable to you as a licensee, a continuing education provider or an instructor, I encourage you to provide input to Stacy Harrison at the Oregon Real Estate Agency. While feedback is always valued by the Agency, comments on this topic would be best if they were confined to items included in the LARRC curriculum (<http://www.oregon.gov/rea/EDU/docs/2014-15%20LARRC%20Final%20October%2017%202013.pdf>) and how to increase understanding through the required training topics.

The fact you have read this far makes me believe you care about our industry and want it to be the best it can be. Your participation will make a difference! ■

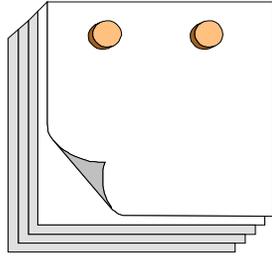


Byron Hendricks

“Views from the Board” features the opinions of Real Estate Board members. The views expressed are not necessarily those of the *Oregon Real Estate News-Journal*, the Oregon Real Estate Agency or Agency staff.

Oregon Real Estate Agency Fee Schedule

Real Estate License.....	\$230	Reactivation of an Inactive License.....	\$75
License Renewal.....	\$230	Late Renewal.....	\$30
Initial Business Registration.....	\$230	Opening or Closing Branch Office ..	\$10
Renewal of an Inactive License	\$110	Name Change.....	\$10
License Exam.....	\$75	Transfer of License (each license) ...	\$10



What Is a Banking Day?

Real estate licensees must comply with the time frames found in statute and rule. In most cases, these time frames are counted using “banking days.”

With the holidays approaching, keep this list handy to assist you in complying with the administrative rules.

A banking day is defined as a day a bank is required to be open for normal business.

Banking days do not include Saturdays, Sundays, or the following legal holidays per Oregon Revised Statute 187.010:

- **New Year’s Day** on January 1.
- **Martin Luther King, Jr.’s Birthday** on the third Monday in January.
- **Presidents Day** on the third Monday in February.
- **Memorial Day** on the last Monday in May.
- **Independence Day** on July 4.
- **Labor Day** on the first Monday in September.
- **Veterans Day** on November 11.
- **Thanksgiving Day** on the fourth Thursday in November.
- **Christmas Day** on December 25.

Advertising Checklist for Brokers

This checklist is not exhaustive. Please see Oregon Administrative Rules 863-015-0125 for additional information.

<input type="checkbox"/>

- Is it clear that the advertising is from a real estate licensee?
- Did you review the advertising for any potentially misleading information and remove it?
- Does the advertising accurately represent your license status (i.e. you are not holding yourself out as being in charge of the company)?
- Do you have written permission from the property owner, or the owner's authorized agents, to advertise the property?
- If you are using your name in the advertising, is it the exact first and last name that is on your license? (You may use a common derivative of the first name listed on your license.)
- Is the registered business name or licensed name of the principal broker prominently displayed, immediately noticeable and conspicuous?
- Did you submit your advertising to your principal broker for approval before releasing it publicly?
- Do you have a record of your principal broker's approval of the advertising?
- Did you confirm that the advertising does not guarantee any future profits?

Additional Checklist Items for Online Advertising

(This includes, but is not limited to, social media, e-mail and websites.)

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

- Is your first and last name on the first page of your online advertising exactly as it is on your license? (You may use a common derivative of the first name listed on your license.)
- Is the registered business name or licensed name of the principal broker prominently displayed, immediately noticeable and conspicuous on the first page of your online advertising?
- Do you have a statement on your online advertising that says that you are licensed in the State of Oregon?

Additional Checklist Items for Advertising as a "Team" or "Group"

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

- Does the team or group include at least one real estate licensee?
- Are all real estate licensees in the team or group associated with the same principal broker?
- If licensee names are in the advertising, are the licensee members of the team or group using each licensee's first and last name on the advertising?
- If any non-licensed members of the team or group are named in the advertising, is it clear that they are not real estate licensees?

Administrative Actions

July 23, 2014 through September 4, 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 that 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.



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)

[Van, April J.](#) (Eugene) Property Manager 200502006. Stipulated order dated July 31, 2014, issuing a \$4600 Civil Penalty.

[Ward \(Reyes\), Sarah K.](#) (Portland) Broker 201203039. Stipulated order dated July 31, 2014, issuing a \$550 Civil Penalty.

[Gurton, Timothy G.](#) (Eugene) Broker 201202134. Stipulated order dated August 6, 2014, issuing a \$1100 Civil Penalty.

[Caffall, Richard S.](#) (Tualatin) Broker 990300270. Stipulated order dated August 13, 2014, issuing a \$2100 Civil Penalty.

[Robinson, Jewel A.](#) (Portland) Principal Broker 92110001. Stipulated order dated August 19, 2014, issuing a \$2100 Civil Penalty.

[Kirshrot, Herbert S.](#) (Portland) Principal Broker 930400047. Stipulated order dated August 21, 2014, issuing a \$600 Civil Penalty.

[Fields, Courtney R.](#) (Pacific City) Broker 200804089. Stipulated order dated September 2, 2014 issuing a \$1100 Civil Penalty.

[Boyle, Thomas](#) (Bend) Broker 201012002. Final order dated September 4, 2014, issuing a \$800 Civil Penalty. ■

CORRECTION

The stipulated order originally issued on June 23, 2014 for Gregory Dunlap was updated to correctly name the company to which he was licensed. The correct company was Diamond Group Properties, Inc. The Agency apologizes for the error.

Real Estate Agent Personal Safety Tips

With the news of the recent murder of an Arkansas real estate agent, the Oregon Real Estate Agency encourages you to become proactive in your personal safety. The following tips are provided so you can begin planning your personal safety routine, but the Agency urges you to seek out additional resources, trainings and professional advice on how to protect yourself.

Note: This is for your information only. Nothing in this article should be interpreted as being required by statute or rule.

Get to know potential clients. Meet new clients in your office before you take them anywhere else. Take a copy of their driver license and get other relevant information before showing them a home. Jot down information about the client's vehicle, or take pictures of it. Keep the information at your office.

Get someone to help. Have a co-worker accompany you to showings. If that is not an option, then let a co-worker, family member or friend know where you are going, with whom, and when to expect you back. Have someone call you at specific times to check on you.

Find exit routes. When showing a home, review all potential exits beforehand. Make sure they are unlocked.

Keep your cell phone handy. Your cell phone can be your lifeline. Keep it on you at all times. Make sure it is charged. Program emergency numbers into speed dial. Have a plan to call someone at regular intervals. Discuss having safety words to use with co-workers, family or friends when you are feeling uncomfortable.

Practice online safety. Review your online presence. Avoid giving out personal information, such as your home phone number or address. Don't discuss your children or marital status. Consider removing photographs of yourself.

Be prepared. Organize or attend safety trainings at your office, through local law enforcement agencies or with the local Realtor® association. If your office has a safety policy, review it regularly. If your office doesn't have a safety policy, create your own personal safety policy.

Do a gut check. Learn to trust yourself. If something doesn't feel right, get out of the situation. Better to risk the loss of a potential sale than to become a victim.

Learn more. Here are some places to start your research:

- "Planning Your Safety Strategy." Realtor.org. National Association of Realtors®. <http://www.realtor.org/topics/realtor-safety/planning-your-safety-strategy>
- North Carolina Real Estate Agent Safety Guide. North Carolina Real Estate Commission, 1 May 2013. <http://www.ncrec.gov/Brochures/Safetyguide.pdf>.
- Christoffer, Erica. "Make Safety a Brokerage Priority." Realtor® Magazine. National Association of Realtors®. <http://realtormag.realtor.org/for-brokers/network/article/2014/10/make-safety-brokerage-priority/>.
- De Becker, Gavin. The Gift of Fear. http://gavindebecker.com/resources/books_by_gavin_de_becker_and_other_books/.
- "WomenStrength." City of Portland Police Bureau. <https://www.portlandoregon.gov/police/35911>.
- "Training for Landlords." Crime Prevention. City of Salem Police Department. <http://www.cityofsalem.net/Departments/Police/Resources/CrimePrevention/Pages/LandlordTraining.aspx>. ■

OREGON REAL ESTATE

NEWS-JOURNAL

Official Publication

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The Oregon Real Estate News-Journal is published by the Oregon Real Estate Agency as an educational service to all real estate licensees in the state under the provisions of Section 696.445 of the Oregon Revised Statutes.

Mesheal Heyman, Editor

Vol. 68, No. 5

October 2014