

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of )  
PATRICIA FAWVER ) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Patricia Fawver (Fawver) do hereby agree and stipulate to the following:

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Fawver was licensed as a property manager doing business under the registered business name of Elite Property Management (Elite).

1.2 On July 18, 2023, Elite was selected for a Clients' Trust Account (CTA) review for the month of March 2023 for CTA ending in 9383 (CTA #9383) which holds owners funds. An investigation was opened due to the outstanding issues discovered during the reconciliation review process.

1.3 Amanda Richardson (Richardson) is a property manager working for Elite and responded to the Agency's reconciliation request.

1.4 The Agency received reconciliation documents for CTA #93893 for the month of January 2023 on March 8, 2024. Part IV of the reconciliation document was blank. The reconciliation document was dated March 6, 2024, and signed by 'Patricia Fawver'.

1 **(1) Conclusion of Law:** By failing to submit a completed clients' trust account (CTA)  
2 reconciliation document within thirty calendar days of the bank statement's issuance, Fawver  
3 violated OAR 863-025-0028 (2) 1/1/2023 Edition.

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5 1.5 The reconciliation report showed outstanding checks that were unreconciled and  
6 negative owners ledgers. The outstanding checks are as follows:

- 7 • 2012- \$12,035.72
- 8 • 2013- \$3,773.88
- 9 • 2014- \$3,087.91
- 10 • 2015- \$857.82
- 11 • 2016- \$920.28
- 12 • 2017- \$1,286.76
- 13 • 2018- \$703.21
- 14 • 2019- \$374.10
- 15 • 2020- \$17,418.10
- 16 • 2021- \$8,183.18
- 17 • 2022- \$241.00

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19 1.6 The review of the owner ledgers provided also showed five owner ledgers that  
20 were negative as follows:

- 21 • 81-426 NW 11th Street Corvallis -\$6,891.39
- 22 • 277-14445 NW Vista, Corvallis- \$200.00
- 23 • 245-2513-5 NW Coolidge, Corvallis- \$570.72
- 24 • 83-2955-65 NW Glenridge, Corvallis- \$1595.00
- 25 • 236-415 NW 11th Street Corvallis-\$200.00

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27  
28 **(2) Conclusion of Law:** By failing to reconcile CTA #9383 as well as allowing five owner  
29 ledgers to carry negative balances, Fawver violated OAR 863-025-0027(6) 1/1/2023 Edition.

1           1.7     During an interview with Agency Investigator Lindsey Nunes (Nunes) with  
2 Fawver and Richardson, Richardson stated there were no more negative owner ledger balances  
3 after Elite fixed the security deposit account.

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5           1.8     Richardson explained to Nunes that Elite manages many student housing  
6 properties. Richardson told Nunes there is a program called Community Services Consortium  
7 (CSC) that pays students' security deposits.

8  
9           1.9     Richardson explained that CSC was paying the security deposits directly into  
10 CTA #9383 instead of a security deposit Clients' Trust Account (CTA SD).

11  
12          1.10    Richardson stated that once Elite realized where the security deposits were  
13 being deposited, they were moved from CTA #9383 to the CTA SD. Richardson stated that the  
14 owners' ledgers no longer showed negative balances after the security deposits were  
15 transferred.

16  
17 **(3) Conclusion of Law:** By depositing security deposit funds into CTA #9383 instead of a  
18 clients' trust account security deposit account (SD), Fawver violated OAR 863-025-0025(5)  
19 (a)(7) 1/1/2023 Edition.

20  
21          1.11    A review of the reconciliation records provided identified that one owner had 11  
22 unreconciled outstanding checks.

23  
24          1.12    A review of that owner's ledger provided information that was not consistent with  
25 the reconciliation report provided.

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27          1.13    The reconciliation report shows four checks that were not reported on the  
28 owner's ledger.

1 **(4) Conclusion of Law:** By failing to report four checks that were disbursed on the  
2 owner's ledger, Fawver violated OAR 863-025-0055(3)(c)(B) 1/1/2021 Edition.

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4 1.14 During a virtual interview, Richardson stated to Nunes that in 2012 Elite changed  
5 software systems from QuickBooks to Appfolio. Richardson believes there were duplicate  
6 records input incorrectly into Appfolio.

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8 1.15 Richardson explained that an attorney recommended Brenda Bryan (Bryan) to  
9 help with managing Elite's property management books. Richardson told Nunes that she  
10 realized Bryan was not fulfilling the duties Richardson assigned.

11  
12 1.16 Elite has since switched to a new accountant.

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14 **(5) Conclusion of Law:** By failing to account for all funds disbursed and rectifying issues  
15 identified in the reconciliation process in a timely manner, Fawver violated OAR 863-025-  
16 0028(4) 1/1/2023 Edition.

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18 1.17 All of the above demonstrates incompetence or untrustworthiness in performing  
19 acts for which the real estate licensee is required to hold a license.

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21 **(6) Conclusion of Law:** Based on the foregoing, Fawver is subject to discipline under ORS  
22 696.301(12) 2023 Edition.

23  
24 2.

25 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.

26 2.2 The Agency reserves the right to investigate and pursue additional complaints  
27 that may be received in the future regarding this licensee.

28 2.3 In establishing the violations alleged above, the Agency may rely on one or more  
29 of the definitions contained in ORS 696.010.

3.

STIPULATION AND WAIVER

I, **Patricia Fawver**, have read and reviewed this Stipulated Final Order and its Findings of Fact, Statements of Law and Conclusions of Law. I understand that the Findings of Fact, Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full and complete agreement and stipulation between the Agency 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. I also understand that any Hearing would be 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. By signing this Stipulated Final Order, 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, which I have also read and understand, may be completed and signed by the Real Estate Commissioner or may be rejected by the Real Estate Commissioner. I further 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.

In addition to all of the above, I agree that once the Commissioner executes this Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby waive the right to challenge the validity of service.

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ORDER

IT IS HEREBY ORDERED that Patricia Fawver's property manager license be, and hereby is reprimanded.

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:  
*Patricia Fawver*  
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Signed by:  
*Steven Strode*  
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STEVEN STRODE  
Real Estate Commissioner

Date 8/2/2024 | 3:13 PM PDT

Date 8/2/2024 | 4:48 PM PDT

Date of Service: 08/02/2024