



Oregon

Tina Kotek, Governor

AGENDA ITEM NO.

I.C.

**Notice of Agency
OREGON REAL ESTATE BOARD
Regular Meeting Agenda
Online
October 7, 2024**

Real Estate Agency
530 Center St. NE, Suite 100
Salem, Oregon 97301-2505
Phone: (503) 378-4170
www.oregon.gov/rea

I. BOARD BUSINESS - Chair Beal

- A. Call to Order
- B. Chair Beal comments/Roll Call
- C. Approval of the Agenda and Order of Business
- D. Approval of 8.05.24, regular meeting minutes
- E. Date of the Next Meeting: 12.02.24 to begin at 10am, Location: Online

II. PUBLIC COMMENT - Chair Beal

- 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 Beal Waiver request log.

- A. None

IV. PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER - Chair Beal.

- A. Guild Mortgage

V. BOARD ADVICE/ACTION - Commissioner Strode

- A. HB 4058 - Final Draft Rule-making

VI. NEW BUSINESS - Commissioner Strode

- A. None

VII. ADMINISTRATIVE ACTIONS SUMMARY - Chair Beal

VIII. REPORTS – Chair Beal

- A. Commissioner Strode
- B. Agency division reports-Deputy Commissioner Higley
 1. Regulation Division – Elli Kataura
 2. Compliance Division – Liz Hayes
 3. Land Development Division – Michael Hanifin
 4. Administrative Services Division – Reba Dunnington
 5. OREA Communications/DEI – Mesheal Tracy

IX. ANNOUNCEMENTS – Chair Beal. Next board meeting: 12.02.24 to begin at 10am, Online

X. ADJOURNMENT – Chair Beal

Interpreter services, auxiliary aids for persons with disabilities, and access to attend remotely by videoconference are available upon advance request.



Oregon

Tina Kotek, Governor

AGENDA ITEM NO.

I.D.

**OREGON REAL ESTATE BOARD
Regular Meeting Minutes
Courtyard Corvallis, Corvallis, Oregon
August 5, 2024
10:00 a.m.**

Real Estate Agency
530 Center St. NE, Suite 100
Salem, Oregon 97301-2505
Phone: (503) 378-4170
www.oregon.gov/rea

BOARD MEMBERS PRESENT:

Michael Warren
Jose Gonzalez
Dawn Duerksen
Stacy Ellingson
James Komro
Tom Tapia

BOARD MEMBERS ABSENT:

LaTasha Beal
Jessenia Juarez
Debra Neal

OREA STAFF PRESENT:

Steve Strode, Commissioner
Elli Kataura, Regulation Division Manager
Michael Hanifin, Land Development Division Manager
Mesheal Tracy, Administrative Services Division Manager

I. BOARD BUSINESS - Vicechair Warren

- A. Call to Order
- B. Vicechair Warren comments/Roll Call
- C. Approval of the Agenda and Order of Business

**MOTION TO APPROVE 8.5.2024 REGULAR MEETING AGENDA AS SUBMITTED BY DAWN DUERKSEN
SECONDED BY STACY ELLINGSON
MOTION CARRIED BY UNANIMOUS VOTE**

- D. Approval of 6.3.24, regular meeting minutes

**MOTION TO APPROVE 6.3.24 REGULAR MEETING MINUTES AS SUBMITTED BY DAWN DUERKSEN
SECONDED BY TOM TAPIA
MOTION CARRIED BY UNANIMOUS VOTE**

- E. Date of the Next Meeting: 10.07.24 to begin at 10am, Location: Online

II. PUBLIC COMMENT - Vicechair Warren

- A. None

III. REQUESTS FOR WAIVERS – Vicechair Warren

- A. None

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

- A. None

V. BOARD ADVICE/ACTION - Commissioner Strode

- A. None

VI. NEW BUSINESS - Commissioner Strode

- A. None



Oregon

Tina Kotek, Governor

Real Estate Agency
530 Center St. NE, Suite 100
Salem, Oregon 97301-2505
Phone: (503) 378-4170
www.oregon.gov/rea

VII. COMMUNICATIONS - ADMINISTRATIVE ACTIONS SUMMARY - Vicechair Warren

- A. Regulatory Process Overview – Commissioner Strode

VIII. REPORTS – Vicechair Warren

- A. Commissioner Strode
B. Agency division reports-Commissioner Strode
1. Regulation Division – Elli Kataura
 2. Compliance Division – refer to packet
 3. Land Development Division – Michael Hanifin
 4. Administrative Services Division – Mesheal Tracy
 5. Licensing & Education Division – refer to packet

IX. ANNOUNCEMENTS – Vicechair Warren Next board meeting: 10.07.24 to begin at 10am, Online

X. ADJOURNMENT – Vicechair Warren

Interpreter services, auxiliary aids for persons with disabilities, and access to attend remotely by videoconference are available upon advance request.



PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER

Rev. 3/2022

AGENDA ITEM NO.

IV.

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 nenah.y.darville@rea.oregon.gov 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.
- Please do not submit any class or course information as the Oregon Real Estate Agency Board is not able to review or consider this information.

If the Board approves this petition, the Agency will email a letter to the petitioner, confirming the Board's approval. The petitioner may then apply for certification as a continuing education provider under OAR 863-020-0030.

PETITIONER

Name Guild Mortgage Phone Number (503) 488-1808

Physical Address 9755 SW Barnes Road Address Cont. Suite 470

City Portland State OR Zip Code 97225 County Washington

E-mail eswanson@guildmortgage.net

Mailing Address (if different) _____ Address Cont. _____

City _____ State _____ Zip Code _____ County _____

AUTHORIZED CONTACT PERSON

Prefix Ms. First Name Whitney Last Name Minnich

Phone Number (503) 953-6240 E-mail wminnich@guildmortgage.net

Indicate who will appear before the board on behalf of the Petitioner:

 Evan Swanson will attend.

AGENCY USE ONLY

Approved by Board YES NO

Review Date _____

PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued

QUALIFICATION INFORMATION

Provide below sufficient information about the petitioner to allow the Board to determine whether the petitioner qualifies for certification. **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.**

Information **MUST** include one or both of the following:

- Petitioner's demonstrated expertise and experience in providing educational courses to real estate licensees.
- Petitioner's demonstrated experience and expertise in two or more course topics eligible for continuing education credit under OAR 863-020-0035.

You may attach up to **three (3)** additional pages if necessary.

Guild Mortgage is one of the top 10 independent mortgage lenders in the nation. We specialize in residential home loans and offer deep expertise and personalized service for new home purchases and refinancing to every kind of borrower. In Oregon, we have branch offices in 28 cities, including eleven locations in the Portland metro area.

As part of our office's outreach, we have been developing and presenting to brokers throughout the Portland metro area for several years. These workshops, webinars, and panel discussions have focused primarily on economic updates, how brokers can build financial success in their business, yearly business planning, and timely Realtor® topics, such as representation and BAC. In addition, we have organized and led presentations on mortgage and economic outlooks with local experts like Noah Blanton of WFG and in-person and virtual panels on timely topics with respected broker agents and industry leaders like Jeremy Rogers with Oregon REALTORS®.

In addition to meeting the CE requirements, our presentations also go through the Guild Mortgage compliance process to ensure accuracy, citations, and overall content. We have a licensed Realtor® with over 10 years of experience on staff who helps develop course material to ensure a comprehensive perspective during presentations, and our senior loan officer has been in the mortgage industry for over 21 years, ranks in the top 1% of US mortgage originators, and is a Certified Financial Planner™. Our staff also has past and current involvement within the real estate industry, serving at the local state, and national levels on boards and committees. We believe it is imperative to ensure brokers have timely and accurate information and strive to create programs and content that will provide them with the tools and resources they need to represent their clients with a high level of professionalism and accuracy while contributing to a healthy atmosphere.

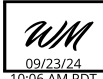



With the CE certification, we intend to offer workshops and sessions on these primary course topics: (1) Real estate property evaluation, appraisal, or valuation, (2) real estate finance, and (3) real estate economics. Guild Mortgage also has a library of more than 45 stock presentations, including topics such as downpayment assistance program options, adjustable-rate mortgages, overview of loan programs and mortgage 101. While these are not our focus as we try to create customized presentations and materials, they are available if needed.

PETITION TO QUALIFY AS A CONTINUING EDUCATION PROVIDER, Continued

AUTHORIZATION AND ATTESTATION

- I hereby certify that I am authorized to submit this form on behalf of the petitioner and that the information is true and accurate, to the best of my knowledge.
- I certify that petitioner, or authorized individual on petitioner's behalf, has read, understands and is ready to comply with the statutory and administrative rule provisions applicable to certified continuing education providers.
- I attest that petitioner knows and understands the responsibilities of a certified continuing education provider under OAR 863-020-0050.
- I attest that petitioner knows and understands the requirements of an instructor under ORS 696.186 and the information required on a continuing education instructor qualification form under OAR 863-020-0060.


I UNDERSTAND:

	Initials	Date Completed	Agency Use Only
I will complete the Continuing Education Provider Application and will pay the \$300 fee upon Board approval.	 09/23/24 10:06 AM PDT dotloop verified		ND
I understand the requirements of an education provider as outlined in Oregon Administrative Rules (OAR) Chapter 863, Division 20.	 09/23/24 10:06 AM PDT dotloop verified		ND
Petitioner has demonstrated their experience and expertise in two or more course topics eligible for continuing education credit as listed in OAR 863-020-0035.	 09/23/24 10:06 AM PDT dotloop verified		ND
Petitioner has demonstrated their experience in providing educational courses to real estate licensees.	 09/23/24 10:06 AM PDT dotloop verified		ND

Whitney Minnich

Date: **09/23/2024**

Printed Name of Authorized Individual

 dotloop verified
09/23/24 10:06 AM PDT
HCTL-7KZ3-M7G9-OLN7

Signature of Authorized Individual

Reset

Print Form

HB 4058 Draft Rules

Please note: Underline text is new text. ~~Strike out~~ text is deleted text.

New rules to enact Section 3

863-XXX-0000

Applicability and Purpose

(1) This division sets forth the requirements and process for registering residential property wholesalers, as those terms are defined in Oregon Laws 2024, chapter 3, section 1 and 2.

(2) The purpose of this division is to specify the requirements for obtaining the desired residential property wholesaler registration.

863-XXX-0003

Definitions

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

(1) "Agency" means the Real Estate Agency with powers pursuant to ORS 696.385.

(2) "Agency-approved form" means an electronic or paper form approved by the Real Estate Agency.

(3) "Commissioner" means the Real Estate Commissioner described in ORS 696.375.

(4) "Legal name" means the first name, middle name and last or surname, without the use of initials or nicknames and is the name given at birth or subsequently acquired through marriage, court order or adoption.

(5) "Registered Name" means the name of a residential property wholesaler as it appears on the current, valid registration issued to the registrant pursuant to Oregon Laws 2024, chapter 3, section 3.

(6) "Residential Property Wholesaler" means any individual who engages in residential property wholesaling and is registered as a residential property wholesaler under Oregon Laws 2024, chapter 3, section 3.

(7) "Residential Property Wholesaling" means to market residential property for which the marketer has only an equitable interest or option to purchase and, at the time of marketing, the marketer has:

- (a) held such interest or option for fewer than 90 days; and
- (b) invested less than \$10,000 in land development or improvement costs associated with the residential property.

863-XXX-0010

Registration Application Content

(1) Before the Agency will accept any documents or information relating to an applicant's qualifications, an applicant for a residential property wholesaler registration must apply and pay the fee required under this rule using an online application process that is available through the Agency's website.

(2) The registration application includes:

(a) The applicant's legal name as defined in OAR 863-XXX-0003, mailing address, email address and phone number.

(b) The applicant's date and place of birth.

(c) The applicant's Social Security Number as required by ORS 25.785 and ORS 305.385.

(d) Certification by the applicant that the applicant has a high school diploma, or a certificate for passing an approved high school equivalency test such as the General Educational Development (GED) test or the international equivalent.

(e) Certification by the applicant that the applicant is at least 18 years of age.

(f) A list of all entities, business names and assumed business names under which the applicant has conducted or will conduct residential property wholesaling activity, along with evidence that all business names and assumed business names are registered with the Secretary of State and all entities, including foreign entities, are authorized by the Secretary of State to transact business in this state.

(g) For a residential property wholesaler registration applicant who is not an active or inactive Oregon real estate licensee, whether the applicant:

(A) Has ever been convicted of or is under arrest, investigation, or indictment for a felony or misdemeanor;

(B) Has ever been refused a real estate license or any other occupational or professional license in any other state or country;

(C) Has ever had any real estate license or other occupational or professional license or registration revoked or suspended; or

(D) Has ever been fined or reprimanded as such a licensee or registrant.

(h) Any other information the Commissioner considers necessary to evaluate the applicant's trustworthiness and competency to engage in residential property wholesaling in a manner that protects the public interest.

(i) Certification by the applicant that all information provided by the applicant is true and correct.

(3) Every registration application must be accompanied by the registration fee authorized by ORS 696.270. At all periods of the year, the fee for all licenses issued is as authorized by ORS 696.270. That is, the Agency does not pro-rate license fees.

863-XXX-0015

Background Check Application and Fingerprint

(1) An applicant for a Residential property wholesaler registration must submit to a background check, except an applicant who is currently licensed as a real estate broker, principal real estate broker, or real estate property manager.

(2) The background check includes a criminal background check as provided in OAR chapter 863, division 005, which requires the applicant to provide fingerprints.

(3) The Agency and a vendor for fingerprinting services (“fingerprint service provider”) have contractually agreed that:

(a) The fingerprint service provider will provide fingerprint services to registration applicants and submit the fingerprints to the Oregon State Police for Oregon and nationwide criminal history checks.

(b) A registration applicant may only submit fingerprints required by the Agency through the fingerprint services provider.

(c) A registration applicant must pay the fee for fingerprinting, directly to the fingerprint services provider.

(d) A registration applicant must provide fingerprints according to the requirements and instructions of the fingerprint services provider.

(e) A registration applicant must have submitted a registration application to the Agency before providing fingerprints.

(4) As provided in ORS 181A.225, all fingerprint cards, photographs, records, reports, and criminal offender information obtained or compiled by the Agency are confidential and exempt from public inspection. The Commissioner will keep such information segregated from other information on the applicant or registrant and maintain such information in a secure place.

(5) If the Agency determines that additional information is necessary to conduct a background check, the Agency may request such information in writing, and the applicant must provide the requested information. If the applicant fails to provide the requested information, the Agency may determine that the registration application is incomplete and terminate the application.

OAR 863-XXX-XX20

Term of Registration

(1) A new residential property wholesaler registration shall be for a period of not more than 13 months and a renewal of such registration shall be for a period of not more than 12 months from the expiration of the prior registration.

(2) A residential property wholesaler registration expires on June 30 each year. A registrant may not engage in residential property wholesaling after a registration expires.

(3) The Agency may renew a residential property wholesaler registration when the Agency has received the following:

(a) The renewal fee authorized by ORS 696.270.

(b) An online renewal.

(4) If the registrant fails to renew a license by the end of the renewal period but wishes to engage in residential property wholesaling, the licensee must submit a new initial registration application pursuant to OAR 863-XXX-XX10 and pay all required fees.

OAR 863-XXX-XX25

Disclosure Requirements

(1) **Covered Parties:** Residential property wholesalers shall provide the residential property wholesaler written disclosure published on the Agency's website:

(a) To any potential buyers and sellers before entering into a written contract for a residential property wholesale transaction;

(b) To any individual licensed under ORS 696.022 who is engaged to assist the residential property wholesaler in marketing or listing the property;

(c) To any individual licensed under ORS 696.022 who is assisting a potential buyer in purchasing the property; and

(d) In all advertising related to the residential property that is the subject of a residential property wholesale transaction. Advertising on social media is exempt from the requirements of this rule if the advertising links to a separate page that complies with this rule.

(2) Standards for Proper Disclosure: The Real Estate Agency has established the standards for proper residential property wholesaler written disclosure requirements under this section. The disclosure must be in at least 10-point bold type and at a minimum must state:

(a) That the residential property wholesaler or, if applicable, the entity on behalf of which the residential property wholesaler is conducting residential property wholesaling:

(A) Is a residential property wholesaler;

(B) Will only have or only has an equitable interest in the property being sold;

(C) Will not have or does not have legal title to the property and therefore may not be able to directly transfer title to the buyer;

(D) Might not be a licensed real estate broker or principal broker and therefore might not be permitted to engage in professional real estate activity; and

(E) Might not be a licensed appraisal specialist and therefore might not be permitted to provide an opinion as to the value of the property.

(b) The following plain language definition of equitable interest::

Someone who has an "Equitable interest" in a property means they have a contract with the current owner that gives them the right to buy the property at a later date even though they don't have legal title. The contract may allow the equitable interest holder to sell or transfer the right to purchase the property to someone else prior to close of escrow.

(c) That the wholesaler may assign equitable interest to another party prior to closing for profit.

(d) The cancellation rights of a seller or buyer who enters into a written contract for a residential property wholesale transaction. The buyer or seller may cancel the contract without penalty by delivery of a written notice of cancellation any time before 12 midnight at the end of the third business day after the receipt of the residential property wholesaler written disclosure. The right of cancellation granted by this subsection may not be waived. Upon cancellation, all earnest money or deposits shall be returned to the person who provided the earnest money or deposit.

(e) The sellers right to earnest money. If the residential property wholesaler fails to provide a residential property wholesaler written disclosure to the seller before entering into a written contract for a residential property wholesale transaction, the seller may terminate the contract at any time without penalty and retain any earnest money or deposit paid to the seller or deposited in escrow by the residential property wholesaler. An escrow agent may disburse the earnest money or deposit to the seller without the need for separate written instructions from the residential property wholesaler if:

(A) The seller in writing asserts that the residential property wholesaler written disclosure was not provided to the seller before entering into the written contract for the residential property wholesale transaction and demands disbursement to the seller of all deposits held by the escrow agent; and

(B) The seller has provided the escrow agent with a written release and indemnification against all liability arising from the disbursement of the earnest money and deposits to the seller.

(f) The residential property wholesaler's liability for damages. If the residential property wholesaler fails to provide a residential property wholesaler written disclosure to the seller or buyer, and if the purchase and sale agreement is terminated as a result, the wholesaler shall be liable for damages incurred by seller and buyer.

(g) That in any mediation or arbitration proceeding or civil action between buyer and seller, between buyer and residential property wholesaler or between seller and residential property wholesaler that arises due to the residential property wholesaler's failure to provide a residential property wholesaler written disclosure before entering into a written contract for a residential property wholesale transaction as prescribed under this section, the prevailing party is entitled to recover all reasonable attorney fees, costs and expenses incurred at trial, on appeal, at mediation and at arbitration from the residential property wholesaler.

(l) How to file a complaint. If you believe a real estate licensee or a residential property wholesaler has violated any governing statute or rule, you may file a complaint with the

Oregon Real Estate Agency (OREA). OREA will review the complaint. In most cases, other people involved in the case, including the respondent, will be contacted. Based on the information received, OREA will determine whether to start an investigation.

New rule for division 015 to enact Section 3

OAR 863-015-XXXX

Residential Property Wholesaling Disclosure Requirements for Brokers

(1) As used in this rule, “Residential Property Wholesaling” means to market residential property for which the marketer has only an equitable interest or option to purchase and, at the time of marketing, the marketer has:

(a) Held such interest or option for fewer than 90 days; and

(b) Invested less than \$10,000 in land development or improvement costs associated with the residential property.

(2) **Covered Parties:** A broker or principal broker conducting residential property wholesaling shall provide the residential property wholesaling written disclosure published on the Agency’s website:

(a) To any potential buyers and sellers before entering into a written contract for a residential property wholesale transaction;

(b) To any broker or principal broker who is assisting a potential buyer in purchasing the property; and

(c) In all advertising related to the residential property that is the subject of a residential property wholesale transaction. Advertising on social media is exempt from the requirements of this rule if the advertising links to a separate page that complies with this rule.

(2) **Standards for Proper Disclosure:** The Real Estate Agency has established the standards for proper residential property wholesaling written disclosure requirements under this section. The disclosure must be in at least 10-point bold type and at a minimum must state:

(a) That the broker or principal broker:

(A) Is licensed;

(B) Will only have or only has an equitable interest in the property being sold;

(C) Will not have or does not have legal title to the property and therefore may not be able to directly transfer title to the buyer; and

(D) Might not be a licensed appraisal specialist and therefore might not be permitted to provide an opinion as to the value of the property.

(f) The following plain language definition of equitable interest:

Someone who has an "Equitable interest" in a property means they have a contract with the current owner that gives them the right to buy the property at a later date even though they don't have legal title. The contract may allow the equitable interest holder to sell or transfer the right to purchase the property to someone else prior to close of escrow.

(g) That the broker or principal broker may assign equitable interest to another party prior to closing for profit.

(h) The cancellation rights of a seller or buyer who enters into a written contract for a residential property wholesale transaction may cancel the contract without penalty by delivery of a written notice of cancellation any time before 12 midnight at the end of the third business day after the receipt of the residential property wholesaling written disclosure. The right of cancellation granted by this subsection may not be waived. Upon cancellation, all earnest money or deposits shall be returned to the person who provided the earnest money or deposit.

(i) The seller's right to earnest money. If the broker or principal broker fails to provide a residential property wholesaling written disclosure to the seller before entering into a written contract for a residential property wholesale transaction, the seller may terminate the contract at any time without penalty and retain any earnest money or deposit paid to the seller or deposited in escrow by the broker or principal broker. An escrow agent may disburse the earnest money or deposit to the seller without the need for separate written instructions from the broker or principal broker if:

(A) The seller in writing asserts that the residential property wholesaling written disclosure was not provided to the seller before entering into the written contract for the residential property wholesale transaction and demands disbursement to the seller of all deposits held by the escrow agent; and

(B) The seller has provided the escrow agent with a written release and indemnification against all liability arising from the disbursement of the earnest money and deposits to the seller.

(j) The broker's or principal broker's liability for damages. If the broker or principal broker fails to provide a residential property wholesaler written disclosure to the seller or buyer, and if the purchase and sale agreement is terminated as a result, the broker or principal broker shall be liable for damages incurred by seller and buyer.

(k) That in any mediation or arbitration proceeding or civil action between buyer and seller, between buyer and broker or principal broker, or between seller and broker or principal broker that arises due to the broker's or principal broker's failure to provide a residential property wholesaling written disclosure before entering into a written contract for a residential property wholesale transaction as prescribed under this section, the prevailing party is entitled to recover all reasonable attorney fees, costs and expenses incurred at trial, on appeal, at mediation and at arbitration from the broker or principal broker.

(l) How to file a complaint. If you believe a real estate licensee or a residential property wholesaler has violated any governing statute or rule, you may file a complaint with the Oregon Real Estate Agency (OREA). OREA will review the complaint. In most cases, other people involved in the case, including the respondent, will be contacted. Based on the information received, OREA will determine whether to start an investigation.

Amended rule for division 005 to enact Section 3

63-005-0005

Definitions

As used in OAR chapter 863, division 5 unless the context requires otherwise, the following definitions apply:

- (1) “Agency” means the State of Oregon Real Estate Agency.
- (2) “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 accordance with these rules.
- (3) “Conviction” 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) against a subject individual in a criminal case, unless that judgment has been reversed or set aside by a subsequent court decision.
- (4) “Criminal Background Clearance” means that, pursuant to a criminal background check, an authorized designee has determined that a subject individual is trustworthy and competent to be a licensee through a criminal background fitness determination.
- (5) “Criminal Offender Information” includes:
 - (a) Records and related data concerning physical description and vital statistics;
 - (b) Fingerprints received and compiled by the Oregon Department of State Police to identify criminal offenders and alleged offenders;
 - (c) Records of arrests; and
 - (d) The nature and disposition of criminal charges, including sentencing, confinement, parole and release records.
- (6) “Crime Relevant to a Criminal Background Fitness Determination” means a crime listed or described in OAR 863-005-0030.
- (7) “Criminal Records Check and Criminal Background Fitness Determination Rules” or “These Rules” means OAR chapter 863, division 5.
- (8) “Criminal Records Check” means any of the following three processes undertaken by the Agency to check the criminal history of a subject individual:

- (a) A check of criminal offender information and motor vehicle registration and driving records conducted through the Law Enforcement Data System (LEDS) maintained by the Oregon Department of State Police, in accordance with the Department's rules;
- (b) A check of Oregon criminal offender information through fingerprint identification and other means conducted by the Oregon Department of State Police at the Agency's request (Oregon Criminal Records Check); or
- (c) A nationwide check of federal criminal offender information through fingerprint identification and other means conducted by the Oregon Department of State Police through the Federal Bureau of Investigation or otherwise at the Agency's request (Nationwide Criminal Records Check).
- (9) "Denied" means that, following a criminal background fitness determination under OAR 863-005-0020, an authorized designee has determined that a subject individual is not trustworthy and competent to hold a license or registration.
- (10) "False 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.
- (11) "Fingerprint Card" means a form prescribed by the Oregon Department of State Police and Federal Bureau of Investigation.
- (12) "Criminal Background Fitness Determination" means a determination made by an authorized designee pursuant to the process established in OAR 863-005-0020 whether a subject individual is trustworthy and competent to be a licensee or registrant.
- (13) "Licensee" means a principal real estate broker, a real estate broker, a real estate property manager as defined in ORS 696.010, or a real estate marketing organization licensed under 696.606. Licensee shall also mean an escrow agent as defined in 696.505(5).
- (14) "Other Criminal Records Information" means any information, in addition to criminal offender information, sought or obtained by the Agency about a subject individual and used by the Agency to determine the individual's criminal history.

(15) “Registrant” means a person registered as a membership camping contract broker or salesperson as provided in ORS 94.980 or an individual registered as a residential property wholesaler as provided in Oregon Laws 2024, chapter 3, section 1.

(16) “Subject Individual” means an applicant for a license or renewal of a license under ORS 696.020, a real estate marketing organization license under 696.606, an escrow agent license or renewal under 696.511, a membership camping contract broker or salesperson registrant under 94.980, or an applicant for a residential property wholesaler registration under Oregon Laws 2024, chapter 3, section 1 as someone from whom the Agency may require fingerprints in order for the agency to conduct a criminal records check.

Amended rule to enact Section 16

863-015-0130

Listing Agreements

(1) A real estate broker or principal broker who enters into a listing agreement, as defined by ORS 696.800, must give the seller signing the listing agreement a true, legible copy of the signed listing agreement at the time of securing the listing.

(2) ~~Every listing agreement must meet the following requirements:~~

~~(a) It must state an expiration date;~~

~~(b) It may not contain a provision requiring the seller to notify the licensee of the individual's intention to cancel the listing after the stated, definite expiration date;~~

~~(c) It may not contain a provision subjecting the seller of the listed property to the payment of two or more commissions for one sale if the seller lists the same property with a second or subsequent real estate broker or principal broker after the first or preceding listing agreement expires or is terminated by mutual agreement;~~

~~(d) It must be signed by all parties to the agreement; and~~

~~(e) It must include contact information for licensee's supervising principal broker; and~~

~~(f) It must contain language about willingness to pay compensation to buyer's agent.~~

(2) In addition to the requirements contained in ORS 696.805, listing agreements must also include:

(a) An expiration date;

(b) The licensee's license number;

(c) A statement whether the agreement is exclusive or nonexclusive;

(d) Name and contact information including telephone number for a principal broker responsible for supervision of the broker; and

(e) Signatures by all parties to the agreement.

(3) Listing agreements are prohibited from containing the following:

(a) Any provision requiring the seller to notify the licensee of the individual's intention to cancel the listing after the stated, definite expiration date;

(b) Any provision subjecting the seller of the listed property to the payment of two or more commissions for one sale if the seller lists the same property with a second or subsequent real estate broker or principal broker after the first or preceding listing agreement expires or is terminated by mutual agreement.

New rule to enact Section 17

863-015-XXXX

Buyer Agreements

(1) A real estate license representing a buyer in a residential transaction of residential land or one to four residential units is required to act under a written representation agreement with the buyer. In addition to the requirements contained in ORS 696.810, the representation agreement must also include:

(a) Licensee's license number;

(b) The name and contact information including telephone number for a principal broker responsible for supervision of the broker;

(c) Term, including effective date and expiration date.

(d) Description of the legal obligations of a buyer's agent as described in ORS 686.810 or by reference to the initial agency disclosure pamphlet delivered per ORS 696.820,

(e) The buyer's general search criteria, which may include the price range of desired property and the location of desired property.

(f) An explanation of how buyer's agent may be compensated.

(g) Representation agreement termination rights provisions for both buyer and licensee;
and

(h) A statement whether the agreement is exclusive or nonexclusive.

ADMINISTRATIVE ACTIONS

Reported 07/22/2024

through 09/25/2024

REVOCATIONS

None

SUSPENSIONS

None

REPRIMANDS

Fawver, Patricia, Property Manager, PM.980300222, Stipulated Order dated August 2, 2024, issuing a reprimand.

Wright, Hayley, Property Manager, PM.201221212, Final Order by Default dated September 17, 2024, issuing a reprimand and \$10,000.00 civil penalty.

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

Pardee, Autumn, Unlicensed, Stipulated Order dated July 23, 2024, issuing a \$5,000.00 civil penalty.

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.
4

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
- 18

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
- 26
- 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.
30

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.
4

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.
26

27 1.13 The reconciliation report shows four checks that were not reported on the
28 owner's ledger.
29
30

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.

3
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.

7
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.

13
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.

17
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.

20
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.

//
//
//
//
//
//
//
//
//

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

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
023214C9CE5F4D9...

Signed by:
Steven Strode
E2C2D0097AD8471...



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

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
HAYLEY MICHELLE WRIGHT) FINAL ORDER BY DEFAULT

PROCEDURAL HISTORY AND PROCEDURAL LAW

1.

1.1 On July 30, 2024, the Real Estate Commissioner issued, by certified mail, a *Notice of Intent to Reprimand* the property manager license of Haley Wright (Wright). The Oregon Real Estate Agency (Agency) sent the Notice of Intent to Wright’s last known address of record with the Agency 55 SW Wall St. #17 Bend, OR 97702. The *Notice of Intent* was also mailed to Wright by regular first class mail to the above address in a handwritten envelope. And *The Notice of Intent* was emailed to Wright at their email address of record.

1.2 The email was not returned as undeliverable.

1.3 Neither the certified mailings nor the first class mailings have been returned to the Agency. Over twenty days (20 days) have elapsed since the mailing of the notice issued in this matter and no written request for hearing has been received by the Agency.

2.

Based upon the foregoing, and upon the Agency’s investigation reports, documents and files that, pursuant to Section 9 of the *Notice of Intent*, automatically become part of the evidentiary record of this disciplinary action upon default (for the purpose of proving a prima facie case (ORS 183.417(4)), the Real Estate Commissioner finds:

2.1 A notice of intent is properly served when deposited in the United States mail, registered or certified mail, and addressed to the real estate licensee at the licensee’s last known address of record with OREA. (ORS 183.415(2); OAR 137-003-0505; OAR 863-001-

0006. If correctly addressed, such a notice is effective even though it is not received by the person to be notified. *Stroh v. SAIF*, 261 OR 117, 492 P2d 472 (1972) (footnote 3 in this case misquotes the cited treatise and contradicts the text of the opinion; treatise and cited case law support the proposition stated in the text.) Also, notice is effective even though the addressee fails or refuses to respond to a postal service “mail arrival notice” that indicates that certified or registered mail is being held at the post office. See *State v. DeMello*, 300 Or App 590, 716 P2d 732 (1986) (discussing use of certified mail to effectuate notice of driver’s license suspension under ORS 482.570). See also *El Rio Nilo, LLC v. OLCC*, 240 Or App 362, 246 P3d 508 (2011) (Notice by certified mail effective even though addressee did not pick up in time to file request for hearing timely).(Oregon Attorney General’s Administrative Law Manual and Uniform Model Rules Of Procedure Under the Administrative Procedures 2019 Edition at pages 97-98.

2.2 Wright’s last known address of record with the Agency was 55 SW Wall St. #17, Bend, OR 97702.

2.3 A certified mailing of the *Notice of Intent* was mailed to Wright at their last known address of record on July 30, 2024. The certified mailing of the notice has not been returned to the Agency.

2.4 The notice was also mailed regular first class mail in a handwritten envelope to Wright’s address. The mailings in the handwritten envelope have not been returned to OREA. The OAH Rules contain a rebuttable presumption that documents sent by regular mail are received by the addressee. ORS 137-003-0520(10). If the regularly mailed notice is actually received, it is effective on the date received, rather than the date of mailing.

2.5 Over twenty (20) days have elapsed since the mailing of the notice and no written request for a hearing has been received.

2.6 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a real estate license, whether by operation of law, order of the Real Estate Commissioner or decision of a court of law, or the inactive status of the license, or voluntary surrender of the license by the real estate licensee does not deprive the commissioner of jurisdiction to: (1) proceed with an investigation of the licensee; (2) conduct disciplinary proceedings relating to the licensee; (3) Take action against a licensee, including assessment of a civil penalty against

the licensee for a violation of ORS 696.020(2); or (4) revise or render null and void an order suspending or revoking a license.

2.7 As noted in section 9 of the *Notice of Intent to Reprimand*, and section 2 above, the Agency's entire investigation file was designated as the record for purposes of presenting a prima facie case upon default, including submissions from Wright and all information in the administrative file relating to the mailing of notices and any responses received.

FINDINGS OF FACT

3.

3.1 On December 6, 2023, RBPM was notified by the agency that their client trust account (CTA) ending in #1410 was selected for a reconciliation review.

3.2 Records for the month of October 2023 were due on 12/20/2023.

3.3 The Agency made attempts to contact Wright by email, text message, and by phone on December 21, 2023, January 8, 2024, and January 30, 2024.

3.4 On January 30, 2024, Wright responded to Compliance Division staff, Rick Marsland (Marsland), by text stating that her father had passed away.

3.5 On January 30, 2024, Marsland sent Wright an email and text message that set a due date of February 20, 2024, to submit reconciliation records to the agency.

3.6 No response was received by the agency.

3.7 On March 5, 2024, Compliance Division Manager, Liz Hayes (Hayes) had a phone conversation with Wright.

3.8 During the conversation, Wright stated that she intended to close her business and that she managed six properties.

3.9 Wright stated that she did not reconcile accounts for over a year due to caring for her sick father who recently passed away.

3.10 Hayes provided a five-day period to organize and submit reconciliation records to the Agency. Wright agreed to submit reconciliation records.

3.11 On March 7, 2024, Marsland notified Wright by email a due date to submit reconciliation records by March 14, 2024. No response was received.

3.12 Marsland followed-up to request reconciliation records by email on March 19, 2024, with a due date of March 25, 2024. No response was received.

3.13 Hayes submitted a request for reconciliation records from Wright by email and text message on March 22, 2024. No response was received.

3.14 On April 5, 2024, an investigation was opened and assigned to Investigator John Moore.

3.15 On April 30, 2024, Regulations Division staff, Amanda Moser (Moser) sent an email to Wright requesting the most recent 3-way reconciliation of CTA ending in #1410 including supporting documents.

3.16 The requested deadline was May 7, 2024. No response was received.

3.17 On May 9, 2024, Moser sent another email to Wright following up on the request sent April 30, 2024.

3.18 Moser requested the most recent 3-way reconciliation of CTA ending in #1410 and supporting documents.

3.19 Moser requested the records be provided immediately as this was the second request submitted by the Agency for reconciliation records in the course of the investigation.

3.20 Moser wrote that if Wright did not have the requested documentation, to please provide information to explain why reconciliation records could not be provided. No response was received.

STATEMENT OF LAW APPLICABLE TO FINDINGS OF FACT

4.

4.1 ORS 696.301(3) states a real estate licensee's real estate license may be disciplined if they have: ORS 696.301(3) which states a real estate licensee's real estate license may be disciplined if they have: (3) disregarded or violated any provision of ORS

659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency

4.2 ORS 696.301(12) states a licensee's real estate license can be disciplined if they have demonstrated incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license.

4.3 OAR 863-025-0035(2)(a)(c) (1/1/2024 Edition) which states (2) A property manager must produce records required under section (1) of this rule for inspection by the Agency as follows: (a) When the Agency makes a request for production of property management records, the property manager must provide such records within no less than five banking days; and (c) Failure to produce such records within the timelines stated in subsection (a) or (b) of this section is a violation of ORS 696.301.

4.4 OAR 863-024-0095(1) 1/1/20, 1/1/21, 1/1/2022, 1/1/23, 1/1/24 Editions which states (1) Before managing rental real estate in any name, a licensed property manager must first register the business name with the Agency using the online process available through the Agency's website. For the purposes of this rule, "registered business name" means any name under which rental real estate is managed, including the licensee's legal name, an assumed name, or the name of a business entity, such as a corporation, partnership, limited liability company, or other business entity recognized by law. A licensee must maintain the registered business name with the Oregon Secretary of State's Corporation Division for any name other than the licensee's legal name

4.5 ORS 696.990(6)(a) states a real estate licensee who is a real estate property manager or principal real estate broker and who is engaging in or who has engaged in the management of rental real estate may be required to forfeit and pay to the General Fund of the State Treasury a civil penalty of up to \$1,000.00 per day of violation, or a lesser penalty in an amount determined by the commissioner if the licensee fails to comply with rules that require the licensee to produce for inspection records related to the management of rental real estate that are maintained by the licensee as provided by ORS 696.280. ORS 696.990(6)(b) states a civil penalty imposed under this subsection may not exceed \$10,000.00.

ULTIMATE FINDINGS OF FACT

5.1 Wright failed to provide client trust account reconciliation records after repeated attempts from the Agency to obtain them.

5.2 Wright failed to register the business name of her property management company with the Oregon Secretary of State.

5.3 In summary, the facts above establish grounds to reprimand Wright's property manager license.

5.4 Wright's failure to timely produce, or complete failure to produce, the records constitute grounds to impose a civil penalty up to \$10,000.00 as per ORS 696.990(6)(a) and (b).

5.5 In summary, the facts above establish grounds to revoke/reprimand/suspend Wright's property manager license and impose a civil penalty in an amount up to \$10,000.

CONCLUSIONS OF LAW

6.

6.1 Pursuant to ORS 183.417(4) and OAR 137-003-0670 Wright is in default.

6.2 The material facts establish a violation of a ground for discipline, by preponderance of the evidence, under ORS 696.301 as set forth in the *Notice of Intent to Reprimand*. ORS 696.396(1), (2)(c)(B).

6.3 Based on these violations, the Agency may reprimand Wright's property manager license.

6.4 Specifically, Wright is subject to discipline pursuant to ORS 696.301(3), (12) and (15) for (3) disregarding or violating any provision of ORS 659A.421, 696.010 to 696.495, 696.600 to 696.785, 696.800 to 696.870 and 696.890 or any rule of the Real Estate Agency; (12) demonstrating incompetence or untrustworthiness in performing any act for which the licensee is required to hold a license; and (15) engaging in any conduct that is below the standard of care for the practice of professional real estate activity in Oregon as established by the community of individuals engaged in the practice of professional real estate activity in Oregon.

6.8 The Agency may therefore, reprimand Wright's property manager license.

6.9 Pursuant to ORS 696.775 the expiration/lapsing of Wright's license does not prohibit the Commissioner from proceeding with this, or further action.

6.10 The specific violations are repeated here below:

(1) Violation: By failing to provide records of property management activity upon request by the agency, Wright violated OAR 863-025-0035(2)(a)(c) (1/1/2024 Edition) which states (2) A property manager must produce records required under section (1) of this rule for inspection by the Agency as follows: (a) When the Agency makes a request for production of property management records, the property manager must provide such records within no less than five banking days; and (c) Failure to produce such records within the timelines stated in subsection (a) or (b) of this section is a violation of ORS 696.301.

(2) Violation: By failing to maintain active registration for RBPM with SOS, Wright violated OAR 863-024-0095(1) 1/1/20, 1/1/21, 1/1/2022, 1/1/23, 1/1/24 Editions which states (1) Before managing rental real estate in any name, a licensed property manager must first register the business name with the Agency using the online process available through the Agency's website. For the purposes of this rule, "registered business name" means any name under which rental real estate is managed, including the licensee's legal name, an assumed name, or the name of a business entity, such as a corporation, partnership, limited liability company, or other business entity recognized by law. A licensee must maintain the registered business name with the Oregon Secretary of State's Corporation Division for any name other than the licensee's legal name.

//
//
//
//
//
//
//
//
//
//

ORDER

IT IS HEREBY ORDERED The property manager license of Hayley Michelle Wright is reprimanded.

IT IS FURTHER ORDERED that, pursuant to ORS 696.990 and based upon the violation set forth above, Wright pay a civil penalty in the sum of \$10,000.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to the Agency.

Dated this 17th day of September, 2024.

OREGON REAL ESTATE AGENCY

Signed by:
Steven Strobe
E2C2D0097AD8471...



Steven Strobe
Real Estate Commissioner

NOTICE OF RIGHT TO APPEAL: You are entitled to judicial review of this Order. Judicial review may be obtained by filing a petition for review within 60 days from the date of service of this order. Judicial review is to the Oregon Court of Appeals, pursuant to the provisions of ORS 183.482.

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional
Real Estate Activity of
AUTUMN PARDEE

STIPULATED FINAL ORDER AND ORDER
TO CEASE AND DESIST

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

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

1.

In establishing the violations set forth herein, the Agency may rely on one or more of the definitions contained in ORS 696.010.

1.1 At all times mentioned herein, Pardee was not licensed to conduct professional real estate activity in Oregon.

1.2 On July 20, 2023, The Agency received a complaint from Eric Squires (Squires) against Pardee. The Agency opened an investigation.

1.3 Squires is a Principal Broker and stated in his complaint that Pardee is not a licensed property manager but was in a rental agreement for a property that Squires is now managing, located at 505 SE 62nd (subject property).

1.4 On July 31, 2023, the Agency received a second complaint against Pardee from Jo Powell (Powell), submitted on behalf of Jay Conrad (Conrad).

1.5 Powell stated in her complaint that Pardee had been managing the second unit of the duplex of the subject property, which was owned by Conrad. Powell stated that Pardee had been charging Conrad up to 35% of rents received.

1 1.6 Powell stated she requested a copy of the property management agreement
2 (PMA) from Pardee. Once Powell received a copy, she saw that it had expired several years
3 before, and there was no active PMA in place.

4 1.7 On October 10, 2023, in a phone interview with Agency Investigator Lindsey
5 Nunes (Nunes), Powell said she has been Conrad's full-time caregiver and has been living
6 with him since 2022. Powell said she and Conrad live on one side of the subject property
7 duplex and Pardee managed the second unit.

8 1.8 Agency review of records shows Pardee signed the PMA on September 23,
9 2015, and Conrad signed on September 24, 2015. Pardee represented himself as the
10 manager for the subject property.

11 1.9 The PMA stated that Pardee is experienced in the operation and management of
12 real estate, has necessary staff, and can competently manage real estate properties.

13 1.10 The PMA included the following:

- 14 • The Manager agrees to collect all rents as they become due; the Manager
15 agrees to collect the rents from the tenant and to disburse the agreed funds
16 (\$950/mo) to the owner.
- 17 • The Manager keeps the balance of monthly rent received above the agreed
18 \$950/mo owed to owner. The Manager will notify the owner of any tenant who is
19 over 30 days behind in paying their rent. In the event the rental payments in any
20 month do not cover the total fees and costs owed to the Manager, the owner will
21 remit payment of the remaining balance within 15 days of notification by the
22 Manager.
- 23 • It is understood by the parties that the Manager is an independent contractor with
24 respect to the relationship between the parties and is not an employee of the
25 owner.
- 26 • The contract will automatically terminate on January 1, 2020; however, the
27 agreement may be terminated at any time by either party with or without cause
28 provided at least 90 days prior written notice.
- 29 • Upon termination, Pardee will return to Conrad all records, notes, documentation,
30 and other items that were used by Pardee during the term of this agreement.

1 1.11 On March 25, 2022, a rental agreement for the subject property was written
2 between SD Rehab Holdings LLC, identified as the Landlord, and Kimberly VanKlompberg,
3 identified as the tenant. Pardee signed the rental agreement as the Landlord-Manager.

4 1.12 A review of the Secretary of State records shows that Pardee is the Registered
5 Agent of SD Rehab Holdings LLC.

6 1.13 The terms of the rental agreement were as follows:

- 7 • The tenant agrees to lease the subject property for a fixed term of 12 months,
8 beginning April 1, 2022, and ending March 31, 2023. The tenant agrees to pay
9 Landlord as base rent the sum of \$1,950.00 due and payable monthly in advance
10 of the 1st day of each month during the term of agreement.
- 11 • Tenant agrees to pay their rent in the form of a Zillow payment, direct deposit,
12 cash, personal check, a cashier's check, or a money order made out to the
13 Landlord.
- 14 • Tenant agrees to pay a security deposit of \$1,950.00 to be refunded upon
15 vacating, returning the keys to the landlord and termination of the contract. The
16 security deposit will be held intact by the landlord until at least thirty working days
17 after the tenant vacates.

18 1.14 Powell provided the Agency with a handwritten ledger that she received from
19 Pardee. The ledger was not dated and did not indicate the property address.

20 1.15 A review of the ledger shows Pardee collected funds in January, February, and
21 March 2022, in the amount of \$1,550.00. \$1,050.00 was paid to Conrad and Pardee kept fees
22 of \$500.00 for each month.

23 1.16 The ledger shows that Pardee collected funds on June 10, 2022, June 23, 2022,
24 and July 7, 2022, in the amount of \$1,950.00. \$1,250.00 was paid to Conrad and Pardee kept
25 fees of \$650.00. The ledger also shows a trade of \$50.00.

26 1.17 The ledger shows that Pardee collected funds in August, September, October,
27 November, December 2022, and January 2023, in the amount of \$1,607.50, and appears to
28 have charged 15 percent.

29 1.18 In her interview with Nunes, Powell stated that Conrad hired a new property
30 manager, Squires, in March 2023.

1 1.19 Powell told Nunes that Conrad received two rent payments in April 2023. One
2 from Pardee and one from Squires.

3 1.20 On March 23, 2023, Squires mailed a certified letter to Pardee's addresses of
4 record, informing Pardee of the termination of his property management for the subject
5 property, and requested records. The letter was returned to Squires as undeliverable.

6 1.21 Powell provided the Agency a screenshot of a text message from Pardee to
7 Conrad, dated May 2, 2023. In the text, Pardee asked Conrad if he would care to square up
8 accounts soon, stating he has the deposit for the unit and final invoices for previous work
9 completed.

10 1.22 On July 20, 2023, Squires mailed a certified letter to Pardee's addresses of
11 record and requested the security deposit and last month's rent for the subject property. The
12 letter was returned to Squires as undeliverable.

13 1.23 On August 22, 2023, Squires mailed a letter to VanKlompberg informing her
14 that her security deposit and last month's rent are under the care and control of Pardee.

15 1.24 In October and November of 2023, Nunes called and emailed Pardee requesting
16 a response to both complaints. Nunes did not receive a response from Pardee.

17 1.25 On 05/15/24, the Agency held a settlement conference with Pardee and attorney
18 Jack Graham (Graham). It was discussed that Pardee would return funds to the property
19 owner and tenants.

20 1.26 On 05/24/24, the Agency received a copy of a cashier's check and a copy of
21 ledgers showing funds were returned to the owner and tenants.

22
23 **(1) Conclusion of Law:** By conducting property management activities without a license,
24 Pardee engaged in the professional real estate activity as described in ORS 696.01014)(a),(b),
25 2015, 2017, 2019, 2021, and 2023 Editions, which is a violation of ORS 696.020(2) 2015,
26 2017, 2019, 2021, and 2023 Editions. Pardee is subject to a civil penalty under ORS
27 696.990(4)(a)(b) 2015, 2017, 2019, 2021, and 2023 Editions.//

28 //

29 //

30 2.

1 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a real
2 estate license, whether by operation of law, order of the Real Estate Commissioner or decision
3 of a court of law, or the inactive status of the license, or voluntary surrender of the license by
4 the real estate licensee does not deprive the commissioner of jurisdiction to: (1) proceed with
5 an investigation of the licensee; (2) conduct disciplinary proceedings relating to the licensee;
6 (3) Take action against a licensee, including assessment of a civil penalty against the licensee
7 for a violation of ORS 696.020(2); or (4) revise or render null and void an order suspending or
8 revoking a license.

9 3.

10 The Agency reserves the right to investigate and pursue additional complaints that may
11 be received in the future regarding this individual.

12 4.

13 STIPULATION AND WAIVER

14 I, Autumn Pardee, have read and reviewed this Stipulated Final Order and its Findings
15 of Fact, Statements of Law and Conclusions of Law. I understand that the Findings of Fact,
16 Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full and
17 complete agreement and stipulation between the Agency and me. I further understand that if I
18 do not agree with this stipulation, I have the right to request a Hearing on this matter and to be
19 represented by legal counsel at such a Hearing. I also understand that any Hearing would be
20 conducted in accordance with the procedures set forth in ORS Chapter 183 and in accordance
21 with the Rules of Practice and Procedure adopted by the Attorney General of the State of
22 Oregon. By signing this Stipulated Final Order, I freely and voluntarily waive my rights to a
23 Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this
24 matter.

25 I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and
26 understand that the Order which follows hereafter, which I have also read and understand,
27 may be completed and signed by the Real Estate Commissioner or may be rejected by the
28 Real Estate Commissioner. I further understand that, in accordance with the provisions of
29 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News
30 Journal.

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

4 ORDER

5 IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Pardee immediately cease
6 and desist from engaging in any professional real estate activity as defined in ORS
7 696.010(17)(a) to (n) (2023 Edition) unless Pardee first obtains a real estate license from the
8 Agency. The Commissioner's authority for this order is under ORS 696.397.

9 IT IS FURTHER ORDERED that, pursuant to ORS 696.990 and based upon the
10 violation set forth above, Pardee pay a civil penalty in the sum of \$5,000.00, said penalty to be
11 paid to the General Fund of the State Treasury by paying the same to the Agency.

12
13 IT IS SO STIPULATED:

IT IS SO ORDERED:

14
15 DocuSigned by:
16 *Autumn Pardee*
7B7660FFDC2647C...

DocuSigned by:
Steve Strode
E2C2D0097AD8471...



17 AUTUMN PARDEE

STEVEN STRODE

Real Estate Commissioner

18
19 Date 7/23/2024 | 6:59 AM PDT

Date 7/23/2024 | 9:47 AM PDT

20
21 Date of Service: 7/23/2024

**REAL ESTATE BOARD
REGULATION DIVISION REPORT
October 7th, 2024**

Regulation Division Manager: Elli Kataura

Compliance Specialist 3s (Senior Case Analysts): Meghan Lewis

Financial Investigators (Investigator-Auditors): Lindsey Nunes, Cidia Nañez, John Moore, Frank Leonard,
Dylan Ray, Megan Donovan, Amanda Moser.

Administrative Specialist 2 (Case Resolution Coordinator): Jack Brady

Division Overview

The Agency receives complaints and determines if an investigation is appropriate. Open cases are assigned to investigators to gather facts (from interviews and documents), prepare a detailed written report, and submit for Administrative Review. The Senior Case Analysts conducting the Administrative Review work evaluate whether the evidence supports a violation of Agency statutes or administrative rules. When a case finds sufficient cause to sanction a license, the case is elevated to the Commissioner for review. When the Commissioner supports a sanction, the Senior Case Analysts offer a settlement conference to resolve cases without a contested case hearing. If the respondent requests a hearing, the Investigator works with the Assistant Attorney General in preparing for and presenting the case at hearing.

Personnel

We have no current vacancies.

Workload and Activity Indicators

Average # in this status at the time	2020	2021	2022	2023	Current 9/25/24
Complaint	10	18	6	12	28
Investigation	69	48	27	49	46
<i>(# of Investigators)</i>	7	7	6*	6*	7
Admin Review	13	10	6	9	12
Settlement Process	5	9	4	7	4

* We had an investigator that was on extended leave for the majority of 2022-2023.

**REAL ESTATE BOARD
COMPLIANCE DIVISION REPORT
October 7, 2024**

Compliance Division Manager: Liz Hayes
Compliance Specialist 2: Jen Wetherbee
Compliance Specialist 1: Rick Marsland, Helen Wilson, Vacant
Senior Auditor (Escrow): Roger McComas

Division Overview

The Compliance Division ensures that licensees meet their fiduciary and administrative responsibilities by reviewing financial and administrative records. This division aims to conduct clients’ trust account and compliance reviews and develop other compliance-related programs. This work includes providing technical assistance and sharing knowledge on the interpretation and application of laws and rules administered by the Agency (excluding legal advice) to licensees, the public, and other governmental agencies.

Personnel

Roger McComas has been promoted into the Senior Auditor position. This position is responsible for revising and developing new compliance programs surrounding Oregon Escrow companies.

Presentation

Liz Hayes presented the two-hour Property Management and Reconciliation Requirements class via Teams to the Oregon Rental Housing Association on September 9th. She’ll be presenting the three-hour class to Multifamily NW via Zoom on December 3rd at 10:00 am.

Training

Rick Marsland, Helen Wilson, Roger McComas, and Liz Hayes will be attending the ARELLO Regulatory Investigations Seminar October 22-24.

Workload and Activity Indicators

As of 09/25/2024	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
ELOA	3	2	2	4	44	79	81	13	55	101	108
No Violation	351	356	192	172	375	216	87	10	98	94	62
Open Investigation	14	5	3	8	10	29	7	2	13	20	20
Resolved									72	182	165
Total Closed	368	363	197	184	429	324	175	25	238	397	355

<i>(# of Staff)</i>	3	4	4	5	6	6	1	1-2	2-4	3-4	3-4
---------------------	---	---	---	---	---	---	---	-----	-----	-----	-----

As of 09/25/2024	January	February	March	April	May	June	July	August	September
ELOA	10	10	12	21	11	11	8	13	12
No Violation	7	11	3	4	10	9	8	4	6
Investigation	3	1	2	4	6	2	1	1	0
Resolved	24	24	13	26	20	23	12	14	9
Total Closed	44	46	30	55	47	45	29	32	27

<i>(# of Staff)</i>	4	4	4	4	4	4	3	3	3
---------------------	---	---	---	---	---	---	---	---	---

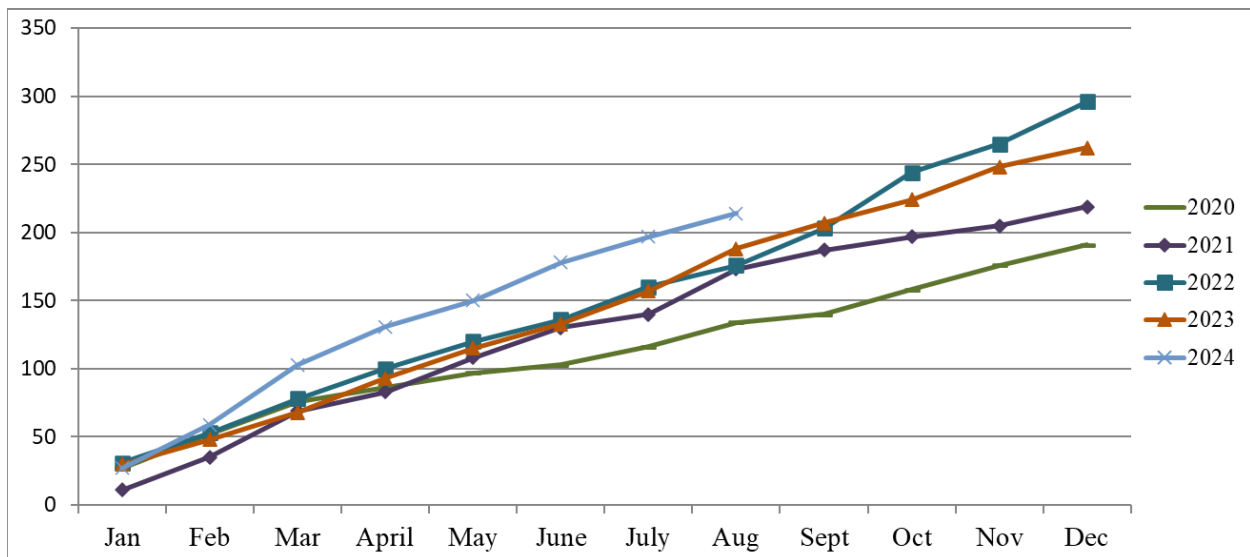
**Report to the Real Estate Board
Land Development Division
October 7th, 2024**

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



The division has had 214 filings through the end of August of this year, which is more than we had in all of 2020 and on par with all of 2021. Doing some projection based on average filing volume for previous years in the months of September thru December, we should finish the year slightly ahead of filing volume for 2023. The above chart contrasts filing volume for the current year with the previous four years.

Rulemaking:

New rulemaking related to wholesaler registrations remains in process, with notice of rulemaking going out on October 1st, 2024. The notice will be published in the November edition of the Oregon Bulletin and a hearing is tentatively scheduled for November 19th.

Legislative Activity:

None at this time.

**REAL ESTATE BOARD
LICENSING DIVISION REPORT
October 7, 2024**

Licensing Manager: Nenah Darville

Compliance Specialist: Tami Schemmel, Katie Nash

Administrative Specialist: Elizabeth Hardwick, Kaely Salem, Cory King

Division Overview

The Licensing Division acts as the first point of contact for the public. This division manages reception, licensing services, and complaint intake.

Personnel

The Licensing Division has recently completed a recruitment for two limited duration Administrative Specialist 2 - Licensing Specialist, positions. Candidates are projected to join the Agency in mid-October, bringing the team to full staffing.

Licensing Update

The most recent data available for division performance is as follows:

- Average Call Hold Time – 40 Seconds (August)
- Average Complaint Intake Processing – 13 Days (September)
- Customer Service Rating – 93% (July 2023 – June 2024, 1,234 respondents)

Upcoming

Continuing Education Providers will be notified starting November 1, 2024 of the upcoming renewal deadline, ending on 12/31/2024.

RBN Renewal

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<u>Eligible to Renew</u>	411	328	341	327	318	266	242	258				
<u>Failed to Renew</u>	17	12	19	15	4	18	13	12				
<u>% Renewed</u>	96%	96%	94%	95%	99%	93%	95%	95%				

Licensing Statistics

Total Licensee Counts by Month:

Individuals (Persons)	July-24	Aug-24
Broker – Total	17,266	17,206
Active	15,526	15,481
Inactive	1,740	1,725
Principal Broker - Total	6,153	6,144
Active	5,729	5,730
Inactive	424	414
ALL BROKERS Total	23,419	23,350
Active	21,255	21,211
Inactive	2,164	2,139
Property Manager - Total	1,012	1,017
Active	895	905
Inactive	117	112
MCC Salesperson	17	17
MCC Broker	0	0
TOTAL INDIVIDUALS	24,488	24,384
Active	22,167	22,133
Inactive	2,281	2,251
Facilities (Companies)		
REMO	4	4
Registered Business Name (RBN)	3,715	3,731
Registered Branch Office (RBO)	769	766
Escrow Organization	80	80
Escrow Branch	178	179
Condominium Filing (CO)	609	620
Unit Owners Association	823	818
Pre-License Education Provider (PEP)	25	25
CEP	289	290
MCC Operator	25	25
TOTAL FACILITIES	6,517	6,538
TOTAL INDIVIDUALS & FACILITIES	30,965	30,922

New Licenses by Month:

Individuals (Persons)	July-24	Aug-24
Broker	114	103
Principal Broker	12	16
TOTAL BROKERS	126	119
Property Manager	9	11
MCC Salesperson	0	0
MCC Broker	0	0
TOTAL INDIVIDUALS	135	130
Facilities (Companies)		
Continuing Education Provider (CEP)	0	0
REMO	0	0
Registered Business Name	29	38
Registered Branch Office	2	2
Escrow Organization	1	0
Escrow Branch	0	1
Condominium Filing	13	8
Unit Owners Association	14	5
Pre-License Ed Provider	0	0
MCC Operator	0	0
TOTAL FACILITIES	59	54
TOTAL INDIVIDUALS & FACILITIES	194	184

Exam Statistics

August 2024

ALL LICENSING EXAMS Total

Broker	356
Property Manager	15
Principal Broker	42
Reactivation	4

Pass Rates

<i><u>First Time Pass Rate</u></i> <i><u>Percentage</u></i>	<i><u>2020</u></i>	<i><u>2021</u></i>	<i><u>2022</u></i>	<i><u>2023</u></i>	<i><u>2024</u></i>
Broker State	50	47	44	42	42
Broker National	68	67	66	64	62
Principal Broker State	53	57	54	47	52
Principal Broker National	63	55	65	54	72
Property Manager	58	66	65	63	64

Oregon Real Estate Agency Education & Licensing Division
Licensee Application & Renewal 2024 Data

New Applications													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Brokers	219	204	217	176	197	181	159	171					1524
Principal Brokers	29	24	23	19	21	18	21	24					179
Property Managers	28	23	24	23	28	27	18	25					196
Total	276	251	264	218	246	226	198	220					1899

Renewal Activity														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	519	498	533	555	584	550	534	528					4301
	Inactive	43	37	23	32	43	31	38	36					283
Late	Active	48	34	41	50	57	54	55	55					394
	Inactive	27	11	6	12	4	12	11	14					97
Lapse		144	126	140	141	135	135	141	149					1111
	Total	781	706	743	790	823	782	779	782					6186

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	213	235	230	223	230	242	203	214					1790
	Inactive	13	14	10	9	19	15	12	10					102
Late	Active	8	9	5	12	10	6	7	6					63
	Inactive	3	4	1	2	1	3	2	4					20
Lapse		32	26	29	14	28	23	28	23					203
	Total	269	288	275	260	288	289	252	257					2178

Oregon Real Estate Agency Education & Licensing Division
Licensee Application & Renewal 2024 Data

Property Managers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	31	28	26	22	40	28	32	31					238
	Inactive	1	2	2	0	4	1	2	1					13
Late	Active	3	2	4	2	1	1	1	1					15
	Inactive	0	1	1	1	0	1	1	0					5
Lapse		11	10	5	10	5	13	11	10					75
Total		46	43	38	35	50	44	47	43					346

Grand Total (Brokers, Principal Brokers, Property Managers)														
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Total Eligible to Renew		1096	1037	1056	1085	1161	1115	1078	1082					8710
On Time	Active	763	761	789	800	854	820	769	773					6329
	Inactive	57	53	35	41	66	47	52	47					398
Late	Active	59	45	50	64	68	61	63	62					472
	Inactive	30	16	8	15	5	16	14	18					122
Total Renewed		909	875	882	920	993	944	898	900					7321
Lapse		187	162	174	165	168	171	180	182					1389

% On Time		74.8%	78.5%	78.0%	77.5%	79.2%	77.8%	76.2%	75.8%	%	%	%	%	77.2%
% Late		8.1%	5.9%	5.5%	7.3%	6.3%	6.9%	7.1%	7.4%	%	%	%	%	6.8%
% Failed to Renew (Lapsed)		17.1%	15.6%	16.5%	15.2%	14.5%	15.3%	16.7%	16.8%	%	%	%	%	15.9%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Oregon Real Estate Agency Education & Licensing Division
Licensee Application & Renewal 2023 Data

New Applications													
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Brokers	262	211	275	209	253	247	228	266	226	178	177	177	2709
Principal Brokers	37	24	37	16	24	30	32	30	21	25	26	17	319
Property Managers	26	26	35	24	30	20	21	28	32	20	29	21	312
Total	325	261	347	249	307	297	281	324	279	223	232	215	3340

Renewal Activity														
Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	482	509	544	527	581	559	557	579	555	540	473	495	6401
	Inactive	42	28	30	29	28	39	25	39	33	46	34	47	420
Late	Active	74	48	50	52	67	43	63	57	63	59	50	44	670
	Inactive	12	8	13	12	12	9	9	8	9	15	9	15	131
Lapse		111	104	120	121	117	133	168	148	155	137	119	147	1580
Total		721	697	757	741	805	783	822	831	815	797	685	748	9202

Principal Brokers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	206	175	212	230	194	235	252	238	240	210	195	219	2606
	Inactive	20	12	7	10	10	8	9	11	7	7	13	11	125
Late	Active	13	6	9	10	7	13	11	13	11	14	4	11	122
	Inactive	2	3	1	3	1	2	0	6	3	2	4	2	29
Lapse		21	27	27	29	28	29	21	28	27	23	30	28	318
Total		262	223	256	282	240	287	293	296	288	256	246	271	3200

Oregon Real Estate Agency Education & Licensing Division
Licensee Application & Renewal 2023 Data

Property Managers		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
On Time	Active	35	29	35	26	38	29	36	36	27	26	31	36	384
	Inactive	3	1	1	3	2	0	1	1	1	3	1	3	20
Late	Active	3	2	0	2	1	0	4	1	0	1	2	3	19
	Inactive	2	1	0	0	0	1	1	2	0	0	0	0	7
Lapse		5	5	11	9	7	7	6	11	6	6	10	8	91
Total		48	38	47	40	48	37	48	51	34	36	44	50	521

Grand Total (Brokers, Principal Brokers, Property Managers)														
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Total Eligible to Renew		1031	958	1060	1063	1093	1107	1163	1178	1137	1089	975	1069	12923
On Time	Active	723	713	791	783	813	823	845	853	822	776	699	750	9391
	Inactive	65	41	38	42	40	47	35	51	41	56	48	61	565
Late	Active	90	56	59	64	75	56	78	71	74	74	56	58	811
	Inactive	16	12	14	15	13	12	10	16	12	17	13	17	167
Total Renewed		894	822	902	904	941	938	968	991	949	923	816	886	10934
Lapse		137	136	158	159	152	169	195	187	188	166	159	183	1989

% On Time		76.4%	78.7%	78.2%	77.6%	78.0%	78.6%	75.7%	76.7%	75.9%	76.4%	76.6%	75.9%	77.0%
% Late		10.3%	7.1%	6.9%	7.4%	8.1%	6.1%	7.6%	7.4%	7.6%	8.4%	7.1%	7.0%	7.6%
% Failed to Renew (Lapsed)		13.3%	14.2%	14.9%	15.0%	13.9%	15.3%	16.8%	15.9%	16.5%	15.2%	16.3%	17.1%	15.4%
Total		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Oregon Real Estate Agency Education & Licensing Division Phone Counts													
(Minutes: seconds)	Jan – 24	Feb – 24	Mar – 24	Apr – 24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov--24	Dec-24	2024 Average
Call Count	1588	1447	1509	1471	1415	1138	1252	1205					1378
Average Wait Time	:30	:42	:45	:32	:25	:29	:27	:40					:34
Maximum Wait Time	0:09:48	0:12:50	0:11:01	0:10:00	0:13:36	0:13:28	0:20:09	0:13:37					0:13:04

Oregon Real Estate Agency Education & Licensing Division Phone Counts													
(Minutes: seconds)	Jan – 23	Feb – 23	Mar – 23	Apr – 23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov--23	Dec-23	2023 Average
Call Count	1642	1368	1603	1428	1438	1286	1283	1468	1382	1445	1222	1265	1403
Average Wait Time	:33	:32	:35	:28	:28	:35	:38	:29	:32	:29	:40	:30	:32
Maximum Wait Time	0:11:07	0:11:14	0:10:58	0:09:13	0:10:11	0:16:20	0:09:26	0:11:08	0:11:55	0:11:53	0:10:46	0:10:44	0:11:15

Oregon Real Estate Agency Education & Licensing Division Phone Counts													
(Minutes: seconds)	Jan – 22	Feb – 22	Mar – 22	Apr – 22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov--22	Dec-22	2022 Average
Call Count	1730	1520	1776	1510	1437	1444	1303	1510	1555	1444	1469	1295	1499
Average Wait Time	:33	:23	:45	:33	:35	:36	:42	:58	:50	:36	:29	:43	:39
Maximum Wait Time	0:20:37	0:12:03	0:26:17	0:13:25	0:10:53	0:11:15	0:11:13	0:31:05	0:32:16	0:13:58	0:10:52	0:11:53	0:17:09

**REAL ESTATE BOARD
ADMINISTRATIVE SERVICES DIVISION REPORT
October 7, 2024**

Administrative Services Manager: Reba Dunnington

Accountant: Caty Karayel

Systems Administrator: Tiffani Miller

Program Analyst: Rus Putintsev

IT Helpdesk: Denise Lewis

Section Overview

The Administrative Services Division serves as the foundation of the Agency's operations by providing comprehensive support in the following areas. accounting, purchasing and contracting, inventory control, facilities, payroll, human resources, special projects, information technology (IT), performance management.

Since the last meeting, we had a management change in this division. On August 19, 2024, Reba Dunnington began as the Business and Human Resources manager overseeing the administrative team and their duties. Reba comes to us most recently from the Department of Administrative Services (DAS) and was supporting our agency as the Client Agency HR Manager for the past year and a half.

Mesheal Tracy has been promoted to the Communications, Policy & DEI Director, Congratulations Mesheal!!

Budget Update

As of August 2024, projected revenue for the 2023-2025 biennium is **\$10.1 million**. Projected expenses are **\$12.7 million**, reflecting the \$2 million eLicense replacement project. The anticipated ending cash balance of **\$4.3 million** represents approximately eight months of operating expenses.

The total number of licensees continues a gradual decline, with **24,520** reported at the beginning of June, **24,488** reported in July, and **24,384** reported in August.

Human Resources Update

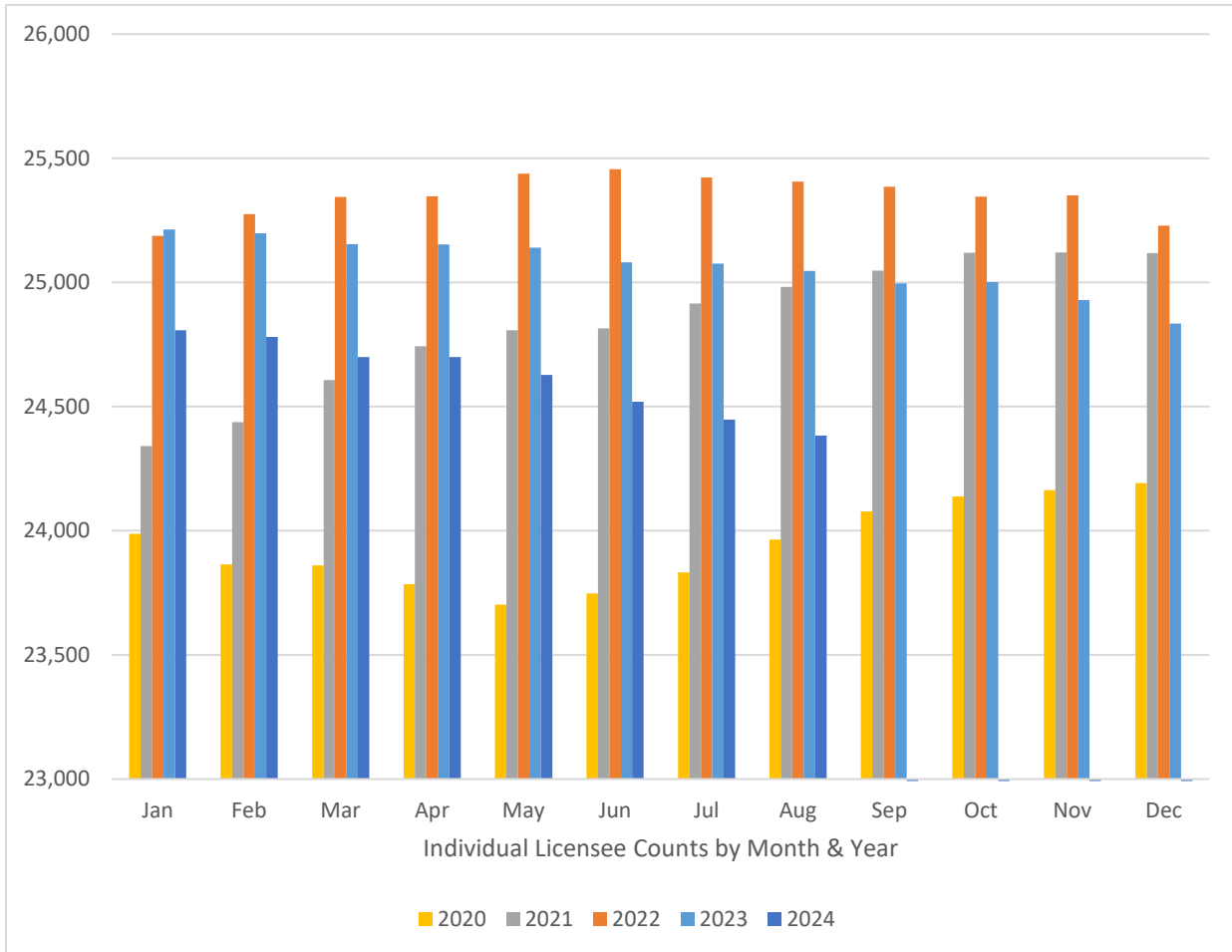
With the addition of in-house human resources, we now have the opportunity to hire, recruit, and investigate personnel concerns internally vs using a shared service from DAS. This allows us to review current and implement new processes and measures to ensure we are able to effectively support the agency's mission and values.

For example, we have rolled out a new exit interview process that will allow us to gather and retain data related to all turnover not just those who leave state service but also those that transfer to another state agency. This will help us better understand why employees who leave decide to do so and will hopefully highlight opportunities for improvement or celebrate successes in the event of promotions.

Currently our turnover is flat to last year with 1 employee leaving state service, additionally we have had 3 employees transfer to other agencies in 2024, this new process will help us better understand the reasons why.

Division News

- New Business & HR Manager, Reba Dunnington, began on 8/19/24
- Mesheal Tracy promoted to the Communications, Policy & DEI Director.
- Cybersecurity assessment began July 17, Tiffani Miller, our Systems Administrator, is the agency's lead on this project.
- Hired Project Manager to assist with the new eLicense project, their start date is 10/8/24.



Real Estate Agency - AY25

2023-2025 Budget - Biennium to Date Through June 30th 2025

Budget Codes (ORBITS)		23-2025 LAB	Expected Total Expenditures for Biennium (current)	Expected Remaining Limitation at end of Biennium	Percentage
	Total Personal Services	8,696,131	8,714,657	(18,526)	-0.21%
4100 & 4125	In-State Travel & Out-of-StateTravel	107,334	67,759	39,575	36.87%
4150	Employee Training	40,206	49,267	(9,061)	-22.54%
4175	Office Expenses	58,989	11,648	47,341	80.25%
4200	Telecom/Tech Services & Support	70,231	73,461	(3,230)	-4.60%
4225	State Government Services	646,658	532,143	114,515	17.71%
4250	Data Processing	118,785	71,882	46,903	39.49%
4275	Publicity & Publications	39,905	279	39,626	99.30%
4300 & 4315	Professional Services & IT Professional Services	378,671	425,358	(46,687)	-12.33%
4325	Attorney General Legal Fees	365,688	212,635	153,053	41.85%
4375	Employee Recruitment	8,420	0	8,420	100.00%
4400	Dues & Subscriptions	10,406	12,900	(2,494)	-23.97%
4425	Facilities Rent & Taxes	276,712	266,641	10,071	3.64%
4475	Facilities Maintenance	4,911	14,556	(9,645)	-196.40%
4575	Agency Program Related S&S	982,084	982,610	(526)	-0.05%
4650	Other Services & Supplies	4,269	185,539	(181,270)	-4246.19%
4700	Expendable Property \$250-\$5000	31,678	4,868	26,810	84.63%
4715	IT Expendable Property	155,803	47,551	108,252	69.48%
	Total Services & Supplies	3,300,750	2,959,096	341,654	10.35%
5550	Data Processing Software	2,000,000	2,000,000	0	0.00%
	Total Capital Outlay	2,000,000	2,000,000	0	0.00%
	Totals	13,996,881	13,673,753	323,128	2.31%

**REAL ESTATE BOARD
COMMUNICATIONS/DEI REPORT
October 7, 2024**

Communications, Policy, and DEI Director: Mesheal Tracy

Section Overview

This section is responsible for developing and implementing agency-wide Diversity, Equity, Inclusion, and Belonging (DEIB) initiatives, managing external communications, and leading change management processes. It encompasses media relations, community engagement, policy development, and strategic planning to foster an inclusive culture and effectively communicate the agency's mission and programs to diverse stakeholders.

Program Implementation

The Agency has recently established a new Strategic Communications and DEIB program. This initiative is in its early stages, focusing on developing agency-wide DEIB strategies, enhancing external communications, and integrating inclusive practices into the Agency's operations and community engagement efforts.

Much of the initial planning will rely on the Agency's 2025-2027 AA/DEI Plan, which was submitted to the Cultural Change Office in August. We are currently awaiting review and feedback on the plan.

Key initiatives of the 2025-2027 AA/DEI include:

- Expanding relationships with DEI-centered organizations in the real estate sector.
- Updating job postings to encourage diverse applicants.
- Standing up the new Strategic Communications and DEIB program.

Our current plan for the 2023-2025 biennium is available on our website.

Communications

We are currently working on a communication plan for HB 4058. Key components will include:

- Targeted communication to licensees about new buyer's representation agreement rules to be implemented on January 1, 2025
- Additional communication about the 24-month limitation for future right to list contracts
- A multi-faceted approach to identify and reach out to residential property wholesalers, communicating the need to register starting July 1, 2025.

An important component of our outreach to current licensees will be the Law and Rule Required Course (LARRC). The course content for 2026-2027 will be submitted to the Board in 2025. We will not update the course earlier (off-cycle) due to complications experienced with tracking mid-cycle course changes during the addition and implementation of the Fair Housing component in 2022.

Policy Update

The Agency will start a review of our Internal Operating Policies by the end of the year. Last updated in 2016, we will not make significant changes but simply update to reflect our post-COVID operations.