



# Oregon

Theodore R. Kulongoski, Governor

AGENDA ITEM NO.  
I. C.

Real Estate Agency

1177 Center St NE

Salem, OR 97301-2505

Phone: (503) 378-4170

Regulations Fax: (503) 373-7153

Admin. Fax: (503) 378-2491

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www.rea.state.or.us

Notice of Amended Agenda  
**OREGON REAL ESTATE BOARD**  
Regular Meeting Agenda

Monday, December 7, 2009  
Oregon Real Estate Agency  
1177 Center Street NE  
Salem, OR 97301

**NOTE:** *The board plans to meet from 10 a.m. until 1:30 p.m., including a "working lunch" period.*

**I. BOARD BUSINESS**

- A. Call to Order
- B. Roll Call
- C. Approval of the Amended Agenda and Order of Business
- D. Approval of the October 5, 2009, regular draft meeting minutes
- E. Election of Chair and Vice-Chair for 2010
- F. Date of next meeting: February 1, 2010

**II. PUBLIC COMMENT**

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**

- A. Waiver request log
- B. Ryan Feigelson requests experience requirements waiver for a sole practitioner license. (provided in packet)
- C. William Gaffney requests experience requirements waiver for a principal broker license. (provided in packet)
- D. Eric Krueger requests experience requirements waiver for a sole practitioner license. (provided in packet)

**IV. BOARD ADVICE/ACTION-Commissioner Bentley**

- A. Escrow Rules Update
- B. Education groups
  - 1. 3 hour course
  - 2. Review of test pool of questions-monitored by PSI
  - 3. Test questions from broker to principal broker
- C. Issues for future rule review



**V. NEW BUSINESS**

- A. 2010 Board Meeting Calendar
- February 1, 2010
  - April 5, 2010
  - June 7, 2010
  - August 2, 2010
  - October 4, 2010
  - December 6, 2010
- B. List of Associations interested in hosting meetings for 2010:
- Mid-Columbia Association of Realtors, Hood River
  - Roseburg Board
  - Central Oregon Association of Realtors, Bend
  - Wallowa County Board of Realtors
  - Springfield Board of Realtors
  - Central Oregon Coast Board of Realtors

**VI. COMMUNICATIONS – Administrative Actions Summary**

**VII. OREGON REAL ESTATE NEWS JOURNAL-Chair Kegler**

**VIII. REPORTS**

- A. Chair Kegler
1. Byron Hendrick's report on "Vision of Future" Committee
- B. Commissioner Gene Bentley
1. PSI
  2. SB 140, SB 141, HB 2910
  3. January/February rule review
  4. ARELLO Timeshare Registry Agreement
- C. Agency division reports-Deputy Commissioner Dean Owens (reports included in packet)
1. Regulation Division – Selina Barnes
  2. Licensing Division – Laurie Hall
  3. Education Division – Stacey Harrison
  4. Land Development Division – Laurie Skillman
  5. Administration/Information Systems Division – Dean Owens

**IX. ANNOUNCEMENTS.** Date of Next meeting: February 1, 2010 at 10:00 am  
(location to be announced)

**X. ADJOURNMENT**

**Interpreter services or auxiliary aids for persons with disabilities are available upon advance request.**



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## State of Oregon Real Estate Agency

### REAL ESTATE BOARD

#### Regular Meeting Minutes

October 5, 2009

#### MEMBERS PRESENT:

Art Kegler, Chair  
Warren (Lee) Dunn, Vice Chair  
George Slape  
Michael Graeper  
Marianne Wood  
Byron Hendricks  
Chris Hermanski  
Bob LeFeber

#### MEMBERS ABSENT:

Kimberly Medford, excused

#### STAFF PRESENT:

Gene Bentley, Commissioner  
Dean Owens, Deputy Commissioner  
Selina Barnes, Regulations Division Manager  
Laurie Hall, Licensing Division Manager  
Stacey Harrison, Education Division Manager  
Kate Nass, Administrative Services Division Manager  
Leandra Soto, Board Liaison

#### GUESTS PRESENT:

Kim Salvesen, Windermere Glenn Taylor Real Estate  
Jamie Crouse, WGTRE The Dalles  
Joyce Beach, Oregon Association of Realtors  
Shaun Jillions, Oregon Association of Realtors  
Geri Murray, Gorge Winds Properties  
Ray Spooner, John L. Scott  
Dee Ashley, Windermere Glenn Taylor Real Estate  
Jeanne Farwig, Gorge Winds Properties  
Ruth Chausse, Don Nunamaker  
Kim Muenzer  
Tara Snyder, Don Nunamaker  
Nan Summers, Columbine Gorge Real Estate  
Sandy Dean, John L. Scott  
Jim Wilcox, Fadness Realty Inc

## **I. BOARD BUSINESS**

- A. Call to Order.** Chair Kegler asked each board member to introduce themselves and give a brief summary of their background.
- B. Roll Call.** The board liaison conducted roll call. Kimberly Medford was excused. Chair Kegler asked the members of the Mid-Columbia Association to introduce themselves. Commissioner Bentley asked the Real Estate Agency staff members to introduce themselves.
- C. Approval of the Agenda and Order of Business.** The Agenda and Order of Business was approved.
- D. Approval of the August 3, 2009, regular draft meeting minutes.** The August 3, 2009 regular meeting minutes were approved as submitted.
- E. Date of Next Meeting:** December 7, 2009 at the Oregon Real Estate Agency in Salem, Oregon at 10:00 a.m.

**II. PUBLIC COMMENT.** None.

**III. REQUESTS FOR WAIVER-**Waiver request log.

## **IV. BOARD ADVICE/ACTION-Commissioner Bentley**

- A. Make recommendations to the Agency for filing on proposed rule. (memo and draft included in packet)**
  - 1. August 12, 2009, HB 2910 and SB 140.** Commissioner Bentley stated that HB 2910 and SB 140 deal with brokerage issues and the Agency is required to seek the recommendation from the board to move forward with the draft rules for these bills.
  - 2. August 18, 2009, SB 141.** Mr. Bentley explained that SB 141 deals with escrow issues and Division 49 has been assigned to this bill.

## **MOTION TO RECOMMEND FILING ON PROPOSED RULE BY WARREN DUNN MOTION CARRIED BY UNANIMOUS VOTE**

- B. Department of Revenue Pilot Project.** Mr. Bentley explained that HB 3082 passed legislation last year and allows the Department of Revenue to offer a pilot program for licensing entities to participate in. He stated this pilot program would also allow the Department of Revenue to withhold the issuance of a license if it was determined that the licensee was not current with their tax obligations.

## **MOTION TO DENY PARTICIPATION IN THE DEPARTMENT OF REVENUE PILOT PROGRAM MOTION CARRIED BY UNANIMOUS VOTE.**

- C. Board's responsibility to develop 3 hour continuing education course on recent updates to legislation.** Commissioner Bentley stated one of the components to SB 640 is a mandatory continuing education course that will be offered for licensees effective January of 2011 and the board has the responsibility of developing and approving the course. He also asked the Board how they would prefer to handle developing the course. Byron Hendricks asked Mr. Bentley if the course could be taken in three 1 our blocks. Mr. Bentley responded that the course will most likely be required to be taken as one 3 hour block. Michael Graeper and Lee Dunn recommended that the Agency use an outside company to develop the curriculum for the course.

## **MOTION TO APPROVE THE REAL ESTATE AGENCY TO DEVELOP AN OUTLINE FOR THE EDUCATION DEPARTMENT MOTION CARRIED BY UNANIMOUS VOTE**

## V. NEW BUSINESS-Commissioner Bentley

**A. Agency closure schedule for 2009.** Mr. Bentley explained that effective March of 1009, at the Governor request, executive and/or management state employees take one furlough day off each month. As a result of the union negotiations, all union represented state employees are required to take ten furlough days over the next biennium. In addition, depending on salary range, they may be required to take up to four floating furlough days off.

- **October 16 and November 27.** The Oregon Real Estate Agency will be closed on these days.
  - The following Agency closure schedule is for 2010:
    - March 19
    - April 16
    - June 18
    - August 20
    - September 17
    - November 26
  - The following Agency closure schedule is for 2011:
    - March 18
    - May 20

**VI. COMMUNICATIONS-Administrative Action Summary.** No discussion.

**VII. OREGON REAL ESTATE NEWS JOURNAL-Chair Kegler.** Lee Dunn will submit an article for the December issue of the OREN-J.

## VIII. REPORTS

### A. Chair Kegler

1. **Report on “Vision of Future” Committee.** Bryon Hendricks indicated that he and Michael Graeper are in the process of developing an outline for the blog regarding the “Vision of the Future”. Mr. Hendricks explained the purpose of the blog is to receive input from the public regarding the impact that technology advancement has had and will have on the real estate industry. The blog is anticipated to be in place by the end of October, 2009.
2. **2010 Board Meeting Schedule.** Chair Kegler indicated that outreach letters have been sent to all local associations regarding hosting board meetings in their area for 2010 calendar year.

### B. Commissioner Gene Bentley

#### 1. Rule Revision Update.

- a. **September 10, 2009, SB 640-Continuing Education.** The Continuing Education Work Group met on September 10, 2009 and began the development process of the draft rule for SB 640. SB 640 will implement the following requirements for licensees:
  - posses high school diploma or equivalent
  - principal brokers take an Agency administered test
  - adhere to changes in structure of continuing education
  - complete 3 hour course

**C. Agency Division reports/Deputy Commissioner Dean Owens (reports included in packet)**

- 1. Regulation Division-Selina Barnes.** Ms. Barnes reported the current vacancy in the Regulations Division has been reclassified from a Financial Investigator to an Investigator 2, which does not require accounting experience and she also summarized the Regulation Division's statistics provided in the handout.
- 2. Licensing Division-Laurie Hall.** Ms Hall summarized the Licensing Division's statistics provided in the handout. She also indicated that the Agency is currently in the process of evaluating new licensing software that will improve services to licensees. Ms. Hall stated that, due to the elimination of the sole practitioner category and the current manual licensing software, licenses would be mailed out by end of January, 2010.
- 3. Education Division-Stacey Harrison.** Ms. Harrison summarized the Education Division's statistics provided in the handout and also stated that the Education Work Group will have a second session on November 2, 2009 at which time course topics and learning agendas will be addressed. The Education Work Group is also scheduled to meet on January 21, 2009 in the event they are not able to develop the draft rule at the November 2, 2009 session. Ms. Harrison also reported that the Education Division is currently recruiting for a Compliance Specialist position and she anticipates the position will be filled this month.
- 4. Land Development Division-Stacey Harrison.** Ms. Harrison delivered the report in Laurie Skillman's absence. Ms. Harrison summarized the statistics provided in the handout. She also announced that Marjorie Fernando has filled the previously vacant Public Representative Service position in the Land Development Division.
- 5. Administration/Information Systems-Kate Nass.** Ms. Nass summarized the Administrative Services Division's statistics provided in the handout. She also indicated that the findings from consultants contracted to evaluate the Agency's needs for new licensing software are still in the process of being reviewed. Ms. Nass announced that she has accepted a Budget Analyst position with the Department of Administrative Services and this will be her last board meeting.

**IX. ANNOUNCEMENTS**

**X. ADJOURNMENT**

Respectfully submitted:

GENE BENTLEY  
COMMISSIONER

Respectfully submitted:

ART KEGLER  
BOARD CHAIR

**OREGON REAL ESTATE BOARD**  
**Experience Requirement Waiver Request Log**  
**2009**

DATE	NAME	TYPE OF LICENSE	APPROVED OR DENIED	FACTS AND BOARD DISCUSSION
2/2/09	Florum, Jinean	SP	Denied	<p><b>FACTS:</b> Active Property Manager since February 13, 2006; 88 credit hours Real Estate Certificate from Emily Griffith Opportunity School in Colorado in 1995.</p> <p><b>DISCUSSION:</b> Ms. Florum explained that she has been working as a property manager in La Grande, Oregon for three years. Chair Kegler asked Ms. Florum if she has had any involvement with the Real Estate Agency at any time and she responded that she was audited by the Real Estate Agency in November of 2007. Chair Kegler also asked Ms. Florum if she was currently involved with the Real Estate Agency and she responded that to her knowledge nothing was currently pending with the Real Estate Agency. Michael Graeper asked Ms. Florum to clarify the amount of time she is asking to be waived and how long has she been licensed. Ms. Florum responded that she applied for a property manager's license in 2005 and began practicing in 2006 and if she had any sales experience. Ms. Florum responded that she does not have sales experience; however, she does own a mobile notary service and eighteen years of experience working with contracts of sales of new homes. Commissioner Bentley explained that typically a sole practitioner is a person who has had a minimum of three years of experience as a licensed broker and asked Ms. Florum if she was requesting to have all three required years waived. Ms. Florum indicated that she was requesting to have all three years waived because she believes she has enough experience based on her involvement with refinancing loans activities which have been strictly from a notary perspective. Chair Kegler encouraged Ms. Florum to obtain a brokers' license, practice under a principal broker to gain some experience and possibly apply for another waiver request at a later date.</p>
2/2/09	Simmons, Paul	SP	Denied	<p><b>FACTS:</b> Inactive Broker effective 1/1/09; 20 years as VP Retail Development for WinCo Foods.</p> <p><b>DISCUSSION:</b> Mr. Simmons provided a brief history of his background, which included twenty years of experience in the retail real estate development industry. Bob LeFeber recused himself from voting on Mr. Simmons waiver request due to conflict of interest. Chair Kegler asked Mr. Simmons to explain what direction he would take if the waiver request was to be allowed. Mr. Simmons responded that he is interested strictly in commercial real estate activity. Byron Hendricks asked Mr. Simmons to explain why he chose not to obtain a brokers' license prior to submitting his waiver request and Mr. Simmons indicated that he did not want to go through the process when his ultimate goal is to become a sole practitioner. Marianne Wood stated that Mr. Simmons' references were impeccable and she did not doubt his qualifications, however, she indicated her concern was setting precedent with waiving the entire three year requirement. Byron Hendricks encouraged Mr. Simmons to submit another waiver request after one year.</p>
6/1/09	Davidson, Lawrence	SP	Approved	<p><b>FACTS:</b> Lawyer for 30 years in good standing with the Oregon State Bar and has handled multiple real estate related issues; business owner for 15 years.</p> <p><b>DISCUSSION:</b> Chair Kegler invited Mr. Davidson to explain the basis for his request and he responded by providing a brief history of his background and qualifications. Chair Kegler asked Mr. Davidson to clarify his reason for his request to become a sole practitioner and he responded that the main reason being does not want to be employed by someone else and wishes to represent buyers and sellers in transactions, earn commissions, and have listings.</p>
6/1/09	Rossi, Tressa	PB	Denied	<p><b>FACTS:</b> Active Property Manager since August 28, 1990; Associates Degree with a major in real</p>

**AGENDA ITEM NO.**  
**III. A.**

				estate; owner of Fox Management Inc since March 2002. <b>DISCUSSION:</b> Chair Kegler invited Ms. Rossi to explain the basis of her waiver request and she responded that she was a licensed salesperson in 1991, has had many years experience as a licensed property manager and also in escrow and mortgage related activity. Ms. Rossi also explained her business is expanding and she wants to eventually employ brokers. Ms. Rossi stated that her immediate plans are to become a principal broker and handle the sales end of her business and bring someone else in to handle the property management.
8/3/09	Wang, Tracy	SP	Denied	<b>FACTS:</b> Has worked part-time as a bookkeeper since 2004 for a "husband and wife realtor team." <b>DISCUSSION:</b> Chair Kegler invited Ms. Wang to address her waiver request. Ms. Wang responded by stating she has worked for a principal broker realtor team for the last five years and has received online training from exclusive provider organization and this educational knowledge is the basis for her request. Chair Kegler asked Ms. Wang if she was aware of the new law eliminating sole practitioner designation effective January 1, 2010. Ms. Wang responded that she was not aware of the upcoming change. Mr. Hendrick asked Ms. Wang why she did not choose to become licensed under a principal broker? Ms. Wang responded that she has been working with principal brokers for the last five years. Mr. Hendrick asked Ms. Wang if she is conducting open houses at this time. Ms. Wang responded that she is not conducting open houses at this time; however, she has attended some courses to learn about marketing materials. Mr. Hendrick then asked Ms. Wang to describe her work with exclusive provider organizations (Epos's) and she responded that she prior to EPO work she did bookkeeping for over two years. Mr. Graeper clarified that Ms. Wang had passed her exam in August of 2008. Mr. Graeper asked if Ms. Wang had been offered employment by any of the firms she has applied for. Ms. Wang indicated that she has not been offered employment. Chair Kegler reminded Ms. Wang of the one year deadline she must meet to obtain a license and find employment.
12/7/09	Feigelson, Ryan	SP		<b>FACTS:</b> Inactive broker effective 10/14/09; Bachelor Degree with minor in Communication
12/7/09	Gaffney, William	PB		<b>FACTS:</b> Inactive broker effective 4/06; worked for Howard Feuerstein at Stoel Rives.
12/7/09	Krueger, Eric	SP		<b>FACTS:</b> Active broker since 2/21/08 to present; Bachelor of Science Degree in Finance; 2 years commercial real estate development experience with Opus Corporation; active license in Arizona and California

**Oregon Real Estate Board  
Experience Requirement Waiver Request  
Agency Synopsis**

**For consideration at Board meeting on December 7, 2009**

<b>Applicant:</b>	RYAN FEIGELSON License (or Permanent ID) # 200609056
<b>Requesting:</b>	<input type="checkbox"/> Principal Broker <input checked="" type="checkbox"/> Sole Practitioner
<b>Current License Status:</b>	Inactive Broker
<b>Active Licensed Time:</b>	October 25, 2006-October 14, 2009 Total active time: 2 yrs, 11 months, 21 days
<b>Education Completed:</b>	<input checked="" type="checkbox"/> 150 hours pre-licensing <input type="checkbox"/> BASS course (not required for sole practitioner)
<b>Examination Completed:</b>	<input checked="" type="checkbox"/> Broker state & national exams
<b>Previous Request/Appearance:</b>	None
<b>Any disciplinary action taken by Agency:</b>	No

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**Oregon Real Estate Board  
 Experience Requirement Waiver Request  
 Agency Synopsis**

**For consideration at Board meeting on December 7, 2009**

<b>Applicant:</b>	WILLIAM PATRICK GAFFNEY License (or Permanent ID) # 200305133
<b>Requesting:</b>	<input checked="" type="checkbox"/> Principal Broker <input type="checkbox"/> Sole Practitioner
<b>Current License Status:</b>	Active Broker
<b>Active Licensed Time:</b>	5/12/04-4/21/06 and 1/27/09-present (Total active time as of 12/7/09: 2 yrs, 9 mos, 21 days)
<b>Education Completed:</b>	<input checked="" type="checkbox"/> 150 hours pre-licensing <input checked="" type="checkbox"/> BASS course (not required for sole practitioner)
<b>Examination Completed:</b>	<input checked="" type="checkbox"/> Broker state & national exams
<b>Previous Request/Appearance:</b>	None
<b>Any disciplinary action taken by Agency:</b>	None

**Oregon Real Estate Board  
Experience Requirement Waiver Request  
Agency Synopsis**

**For consideration at Board meeting on December 7, 2009**

<b>Applicant:</b>	ERIC KRUEGER License (or Permanent ID) # 200608214
<b>Requesting:</b>	<input type="checkbox"/> Principal Broker <input checked="" type="checkbox"/> Sole Practitioner
<b>Current License Status:</b>	Inactive Broker
<b>Active Licensed Time:</b>	February 21, 2008-October 1, 2009 Total Oregon active time: 1 yr, 7 months, 10 days In addition: Active Salesperson in California since October 2007 and Active Salesperson in Arizona since December 2008
<b>Education Completed:</b>	<input checked="" type="checkbox"/> 150 hours pre-licensing <input type="checkbox"/> BASS course (not required for sole practitioner)
<b>Examination Completed:</b>	<input checked="" type="checkbox"/> Broker state & national exams
<b>Previous Request/Appearance:</b>	None
<b>Any disciplinary action taken by Agency:</b>	No

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ADMINISTRATIVE ACTIONS  
September 24, 2009 thru November 18, 2009

**REVOCATIONS**

Barr, Dianna Lee (Corvallis) Property Manager #200304052  
Stipulated order dated November 9, 2009, effective November 9, 2009, resulting in a revocation.

Foster, Johnie N. "Nikki" (Gresham) Broker #200306023  
Default order dated August 31, 2009, effective August 31, 2009. Foster failed to advise her principal broker of a new listing; Foster failed to advise her principal broker of a lease option agreement; Foster failed to advise her principal broker that a listing was cancelled; Foster deposited \$9,800 commission she received directly from the seller on a lease option into her own bank account.

Violations: ORS 696.301(14); OAR 863-015-0255(2) Garron, Mike Donald (Bend) Broker #200802393  
Stipulated order dated November 2, 2009, effective November 2, 2009. Garron partnered with Mike Curl, an unlicensed individual, to start a business program that offered prospective buyers, who may not otherwise qualify for a mortgage, an opportunity to purchase real estate, as well as the opportunity for investors to purchase homes to facilitate the lease/option program. One week prior to closing, the prospective buyers were directed by Garron and Curl to pay a deposit, usually between \$5,000 and \$7,000, directly into the business operating account. The prospective buyer deposits were then being used by Curl for his own personal use. Curl and Garron were unable to obtain investors for the program, but continued promoting the program and accepting client deposits instead of refunding the funds back to the buyers.

Violation: ORS 696.301(12)(14)

Large, James D. (Springfield) Broker #990900093  
Hearing order dated November 2, 2009, effective November 16, 2009. Large failed to provide buyer with an initial agency disclosure pamphlet at first contact; Large failed to disclose his licensed status on any of the documents he drafted in the transaction; Large included a closing date of May 5, 2005, in an earnest money agreement drafted after that closing date, on October 5, 2005; Large failed to indicate a date or a time for buyer's signature on the October 5, 2005 earnest money agreement; Large failed to deal honestly and in good faith by, (a) giving the buyer the money for the down payment, (b) coercing buyer into signing multiple promissory notes, including one after closing, obligating buyer to pay Large more money than was owed, and (c) by agreeing that buyer's rent payments would apply to the purchase price and then failing to abide by that agreement.

Violations ORS 696.301(12), 805(2)(a), 820(2); OAR 863-015-0145, 015-0215(1)

Messmer, Michael T. (Hillsboro) Broker #200305038  
Stipulated order dated October 6, 2009, effective October 6, 2009. Messmer was convicted of Theft 1, and failed to report his conviction; and Messmer was convicted of two counts of Burglary 1.

Violations: ORS 696.301(11), OAR 863-015-0175(1)(a)

Smith, Sheryl Lynn (Redmond/Portland) Property Manager #200606144  
Default order dated October 27, 2009, effective November 15, 2009. Smith failed to turn over funds belonging to four owners and provide final accountings within 60 days after termination; and Smith failed to produce records and documentation requested by OREA.

Violations: ORS 696.301(12), OAR 863-025-0070(2)

**SUSPENSIONS**

Paligo, Bryan Kim (Redmond) Property Manager #200705205  
Default order dated October 14, 2009 suspending Paligo's property manager's license for 4 months effective October 14, 2009. Paligo failed to timely notify OREA that his business address changed from Madras to Redmond; Paligo failed to maintain a record of the daily balance; Paligo failed to include identifying codes for

receipts and disbursements; Paligo failed to reconcile his CTA monthly; Paligo disbursed funds from the CTA causing negative balances in the check register; and Paligo failed to include the CTA language on his CTAs.

Violations: ORS 696.200; OAR 863-025-0025(10)(c)(d)(11)(19)(b), 025-0040(2)(g)

## **REPRIMANDS**

Broughton, Charles Leroy (Baker City) Broker #200602034

Stipulated order dated October 6, 2009. Broughton failed to advise his sellers in a timely manner that the financing contingency had not been released and the potential ramifications.

Violation: ORS 696.805(3)(a)

Lindsey, Christopher C. (Klamath Falls) Property Manager #980500055

Stipulated order dated October 27, 2009. Lindsey failed to reconcile two CTAs monthly; Lindsey did not transfer security deposit funds to the security deposit account from the CTA within 3 banking days; Lindsey did not maintain an adequate record of receipts and disbursements; Lindsey did not maintain an accurate record of funds held for each owner; Lindsey allowed the CTA to become negative and deposited company funds (non-trust funds) into the CTA; Lindsey failed to pose the applicable owner ledgers with the actual amount of each disbursement through the use of offsetting entries to record discounts or other adjustments to disbursements; and Lindsey made out aggregate receipts without identifying the specific individual amounts.

Violations: OAR 863-025-0025(2)(11)(19), 025-0030(2), 025-0040(2)(3)(4), 025-0055(2f)

Whiting, Franklin E. (Beaverton) Broker #810100321

Stipulated order dated October 6, 2009. Whiting accepted completed listings without verification of the ownership interest; Whiting accepted listings that did not include a date of the seller's signature or an effective/termination date; Whiting accepted incomplete disclosures as proof that an individual had authority to act on behalf of the owner; Whiting allowed a non-licensed individual to participate in arranging the showing of listed properties; and Whiting allowed a non-licensed individual conduct professional real estate activity in his name.

Violations: ORS 696.301(12), 696.315

Williams, Shanda Denise (Hermiston) Broker #200603282

Stipulated order dated September 28, 2009. Williams provided a disclosed limited agency agreement to the sellers after they signed the listing agreement; Williams altered the earnest money agreement in a personal transaction as to whom the earnest money promissory note was made payable to and didn't have the changes initialed by the sellers; and Williams failed to redeem the promissory note as the purchaser and deposit the earnest money into escrow timely.

Violations: ORS 696.820(2), 815(2)(a)

## **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

Frick, Christopher S. (Portland) Broker #950900082

Stipulated order dated October 27, 2009 issuing a \$10,000 civil penalty. Frick's license expired in 2002. The civil penalty consists of \$5,600 for the first year his license was expired (\$100 for the first month and \$500 for each subsequent month), and \$100 for each of the 44 (\$4,400) transactions he conducted after the first year his license was expired.

## **ARELLO TIMESHARE REGISTRY PROGRAM INFORMATION FOR REGULATORS**

For the latest information on what is happening with the registry,  
please visit <http://www.arello.org/TimeShareRegistry/>

### **Program Description**

The ARELLO Timeshare Registry (ATR) is being designed to serve as a centralized data repository pertaining to timeshare project registrations.

The objectives of the program include:

1. Reducing redundant registration procedures and the associated costs for regulatory agencies and timeshare providers.
2. Promoting increased uniformity and recognition in timeshare registration processes among jurisdictions.

The ATR is NOT designed to:

- replace the state approval process for timeshare registrations;
- suggest jurisdictions eliminate or reduce timeshare fees associated with registration; (the ATR is not meant to threaten or replace regulatory fees)
- develop universally accepted timeshare registration forms.

ARELLO recognizes the timeshare registration process can be complex and differ from jurisdiction to jurisdiction. In some cases, jurisdictions have special forms used in the registration process that have been approved by the legislature or regulatory agency. Furthermore, a jurisdiction's unique registration documentation often references unique laws or regulations that serve the jurisdictions well in ensuring providers comply with state specific policy.

### ***General (Non-State-Specific) Information***

Timeshare providers suggest 90 percent of the information submitted in a timeshare registration is generally uniform among jurisdictions. What aren't uniform are the methods for how the information is supposed to be provided. For example, jurisdiction "A" would like submissions to be presented in a three-ring binder, while jurisdiction "B" wants the submission made on a CDROM and organized in a specific fashion. However, both submissions have 90 percent of the same content. The ATR is designed to find commonality in material provided during the timeshare registration process yet carefully consider and facilitate the unique aspects of procedures required by all the different jurisdictions. For example, in the process of registering a timeshare, most jurisdictions require a listing of all the officers and board of directors associated with the plan along with their contact information and any criminal history that may be relevant to the registration. This is information that could be provided in a common format, and by using the ATR, would not require the provider to replicate the data for every jurisdiction the company registers in. The provider would simply upload common information, like listing of the officers and board of directors, to the ATR. If the provider would need to amend the list of officer's associated with the project, the provider could do so via the ATR, and each jurisdiction would be notified that amended documentation is available for consideration. The provider wouldn't have to mail changes to every jurisdiction.

### ***State Specific Information***

As mentioned previously, the ATR would also accommodate documentation that is unique to each individual jurisdiction. For example, certain jurisdictions ask providers how they comply with specific state laws in the application for approval. The ATR would allow each jurisdiction to maintain the requirements for state specific documentation.

### ***Summary***

The ATR is essentially a secure, web-based, file management system. The ATR stores information about timeshare registration in two areas. First, is the general information area. This area is for general information that is required by most states regarding the timeshare project. Second is the state specific area. This area is reserved for documents unique to a jurisdiction. When a provider logs in to the ATR, they will have to populate each of the two areas with the appropriate documentation. Regulators will be able to access documents submitted for to any state.\* In other words, a regulator for state X would not be able to see the documents that were unique to state Y. All participating states would be able to view the records in the general information area.

\* While regulators will be able to see files submitted to other states

## **Benefits of the ATR**

### ***Archiving Historical Records***

ARELLO understands that timeshare applications and associated documentation are official records that must be maintained. Furthermore, the ATR must store not only the most recent or active documentation, it must also archive and track all previous versions of pertinent information. For example, if a listing of all the board of directors was originally provided in 2000 and this list changed in 2002. The original submission from 2000 would have to be maintained and accessible in an orderly fashion. The ATR has the capability of managing a historical archive of registration documentation.

### ***Requirement for Local Storage of Records***

Some jurisdictions have specific policy on how to archive official records, thus making it the responsibility of the jurisdiction to maintain records not ARELLO's. To accommodate this requirement, the ATR will allow jurisdictions place a timeshare registration's entire electronic document collection onto a CDROM or DVD. Jurisdictions can "export" all pertinent files, in a logical structure, complete with a table of contents of all documents provided. This will enable most jurisdictions to comply with their state specific records retention requirements.

### ***Dependability of the Application***

The ATR is designed to be an enterprise level web application. The ATR includes multiple backup mechanisms all housed in a secure professional hosting facility with fast access to technical support professionals. The technology system is regulatory audited by a third party to ensure integrity in its security. More details on this can be obtained upon request.

### ***No Cost to Regulatory Agencies***

Plans call for the ATR to be funded entirely by the fees paid by project registrations.

## **Work Flow Process Description**

Here is how ARELLO anticipates the ATR working with the provider and regulatory agency.

### ***Initial Registration Process***

1. The provider develops a timeshare project that needs to be registered with a particular jurisdiction [jurisdiction X].
2. Jurisdiction X has agreed to use the ATR and has published a form for developers to use. The form would need to request an ATR ID number and a check for the amount due to the jurisdiction for the registration fee. Staff in jurisdiction X have also been trained on how to use the ATR to review registrations.
3. The provider then enters all the applicable data in the ATR. The provider may have already entered much of the general information when they registered in other jurisdictions. However, the provider would have to enter all of the state specific data for jurisdiction X in the ATR.
4. After the provider completes the ATR registration, they are provided an ID number for the project registration. This ID is how regulators can login and identify the project that needs to be reviewed.
5. The regulator then begins to review the registration and inform the provider of any deficiencies using the ATR. The ATR would combine email and web based discussion forums to track communications with providers about the registration documentation.
6. After the review process is complete and the documentation is satisfactory to the jurisdiction, the regulator then marks the project has “approved” in the ATR. Only regulators can mark projects as registered.
7. The provider’s project then appears on a website and is marked “approved or registered in X jurisdiction”.

Note: the term “approved” may not be applicable to all jurisdiction, therefore, the term “registered” may be used in its place.

### ***Registration Amendment Process***

1. There are many occasions when the provider must notify regulators of changes to documentation in a timeshare registration. For example, the provider elects new corporate officers and needs to report all the applicable information to the appropriate jurisdictions. The provider then compiles the new information on their officers.
2. The provider uses the ATR to upload the “amendments”. The old version of the officer’s information would be archived and available any time a regulator may need to view it. If the amendments are to “General Information”, as would be with new officers, each jurisdiction that has approved the project would receive an email message stating the amendment was waiting approval. Only the jurisdiction X would receive the message if the change was related to state specific information. When the regulator logs into the ATR, the home screen will display pending submissions that await their approval. The regulator can then deny or approve the amendment by marking it as such.

**REAL ESTATE BOARD  
REGULATION DIVISION REPORT  
December 7, 2009**

Manager: Selina Barnes

Compliance Manager: Kris Ebelmesser

Administrative Specialist: Denise Lewis

Financial Investigators: Donald Barrett, Gae Lynne Cooper, Aaron Grimes, Ralph Harding,  
Deanna Hewitt, Judith Parker, Rob Pierce, Aimee Wiley

Investigator 2: Michael Thornicroft

Section Overview

This division receives complaints and determines validity and assignment for investigation. Investigators gather facts, complete report and submit to Manager for review. The Manager determines whether the evidence supports charging a person with a violation of Agency statutes or administrative rules.

New Investigator

Michael Thornicroft joined the Regulations Division in November as an Investigator 2. Mr. Thornicroft was broker/co-owner of Pacific City Real Estate in Pacific City. Mr. Thornicroft graduated from Willamette College of Law, and has varied experience as a deputy district attorney, a professor of Criminology at Southern Oregon University and a television news anchor. He also served as chief of staff for Margaret Carter, former President Pro Tempore of the Senate.

Complaint and Investigation Process Changes

Management receives and reviews complaints from the public, licensees, or other sources (such as other state agencies). Through this review process, in most cases a letter is sent to the licensee's principal broker requesting a written response to the complaint. The Division is now specifically requesting this include a written response from the licensee(s) named in the complaint.

These responses can help provide a balanced depiction of what transpired. While preparing these responses take time and effort, a comprehensive response (including appropriate documentation) can be crucial in determining if reasonable grounds exist to believe a violation of the Agency's laws or administrative rules may have occurred. Such a determination could result in discipline (reprimand, suspension, or revocation).

Once an investigation is completed, investigators prepare an objective written report of all relevant facts discovered during the investigation. These reports are reviewed by management to determine if the evidence supports a finding that a violation has occurred.

If a violation is believed to have occurred, the individual is provided written notification from the Agency with the proposed sanction. Included in this notification is a copy of the investigative report. If a violation is not supported by the evidence, the individual is sent a letter indicating the file is being closed with no further action. If desired, the individual can request a copy of the investigative report.

In an effort to provide appropriate information of the statutes and administrative rules that apply to the actions reported on in the report, the relevant statutes and/or rules will now be referenced

in the report. By reviewing the requirements included in the referenced statutes and rules, licensees can gain a better understanding as to whether or not their actions were in compliance.

#### Time tracking

Regulations staff is currently testing methods to easily gather accurate information on how many hours are worked during the complaint review, investigation, and settlement processes. This data will assist in allocating our investigative resources more effectively.

**REAL ESTATE BOARD  
LICENSING DIVISION REPORT  
December 7, 2009**

Manager: Laurie Hall

Section Overview

The Licensing Division has five staff members who are responsible for public and licensee information services, real estate, property management and escrow licensing transactions and the registration of real estate business names. The staff is also responsible for reception.

There are approximately 28,000 individuals and facilities throughout the state of Oregon that are licensed and registered with the Agency. This generates an average of 2,700 transactions and 2,800 phone calls each month that are received and must be processed by the Licensing Division. Normal processing time (receiving money, input into database and mailing out license) for most transactions is two weeks.

Workload and Activity Indicators

2009 Licensed Individuals	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
<b>ALL BROKERS</b>	<b>22,513</b>	<b>22,374</b>	<b>22,299</b>	<b>22,147</b>	<b>22,019</b>	<b>21,884</b>	<b>21,755</b>	<b>21,677</b>
Active	18,704	18,633	18,571	18,492	18,448	18,379	18,294	18,226
Inactive	3,809	3,741	3,728	3,655	3,571	3,505	3,461	3,451
<b>ALL PROPERTY MGRS</b>	<b>724</b>	<b>724</b>	<b>727</b>	<b>733</b>	<b>728</b>	<b>728</b>	<b>728</b>	<b>727</b>
Active	640	638	640	646	639	642	643	642
Inactive	84	86	87	87	89	86	85	85

Online renewals were at 46% in September 45% in October.

Program Changes, Future Projects, Streamlining

Sole Practitioner elimination – The Agency continues to receive many phone calls and email inquiries regarding the elimination of the Sole Practitioner license category. In October we had 2,570 Sole Practitioners, compared to 2,375 in January.

Also in October, we had 122 new License Applications, which is the most we've had since November of last year.

During January all of the licensing forms will be updated to remove all references to Sole Practitioner and to update any statute and rule references.

**REAL ESTATE BOARD  
EDUCATION DIVISION REPORT  
December 7, 2009**

Manager: Stacey Harrison  
Program Analyst: Mesheal Heyman  
Compliance Specialist: Claressa Kayman  
Public Service Representative: Danette Rozell

Division Overview

This division carries out the Agency's mission by providing for the advancement of education and research in connection with the educational requirements for the securing of licenses for real estate licensees. The division does this by approving pre-license and post-license courses, developing informational publications and websites, providing customer services via phone and electronic mail, and conducting compliance reviews and mail-in audits.

Workload and Activity Indicators

<b><u>Exams Administered</u></b>	<b><u>May</u></b>	<b><u>Jun</u></b>	<b><u>Jul</u></b>	<b><u>Aug</u></b>	<b><u>Sep</u></b>	<b><u>Oct</u></b>
ALL LICENSING EXAMS Total	98	113	110	107	120	131
Broker	89	106	97	95	99	121
Property Manager	9	7	13	12	21	10

Exam year-to date-totals for October 2009 showed a 35% decrease from the number of exams administered for same period in 2008.

<b><u>Public Inquires</u></b>	<b><u>May</u></b>	<b><u>Jun</u></b>	<b><u>Jul</u></b>	<b><u>Aug</u></b>	<b><u>Sep</u></b>	<b><u>Oct</u></b>
Phone	306	460	407	319	442	345
E-Mails	100	86	78	66	106	87
Walk-Ins	1	2	2	2	2	4
<b>TOTAL</b>	<b>407</b>	<b>548</b>	<b>487</b>	<b>387</b>	<b>550</b>	<b>436</b>

<b><u>CTA Mail-in Audits</u></b>	<b><u>Accounts Requested</u></b>	<b><u>Accounts Received</u></b>	<b><u>Reported Closed</u></b>	<b><u>Referred for Investigation</u></b>
Q1 2009	0	0	0	0
Q2 2009	100	99	27	1
Q3 2009*	100	91	14	0

\*Third Quarter CTA audits were mailed on October 1, 2009 and due November 19, 2009.

Program Changes, Future Projects, Streamlining

Claressa Kayman became the new education compliance specialist on October 19. The division is responsible for the implementation SB 640. The Agency conducted the second work group on November 2, 2009. During the first meeting, the work group reviewed SB 640 and reviewed a portion of the draft rules. The second meeting focused on the remaining rules including course topics and learning objectives. Separate work groups will be formed to address the development of the principal broker exam and the board approved course on real estate rule and law updates, which are both additional requirements of SB 640. The division plans to have certification procedures in place by summer of 2010.

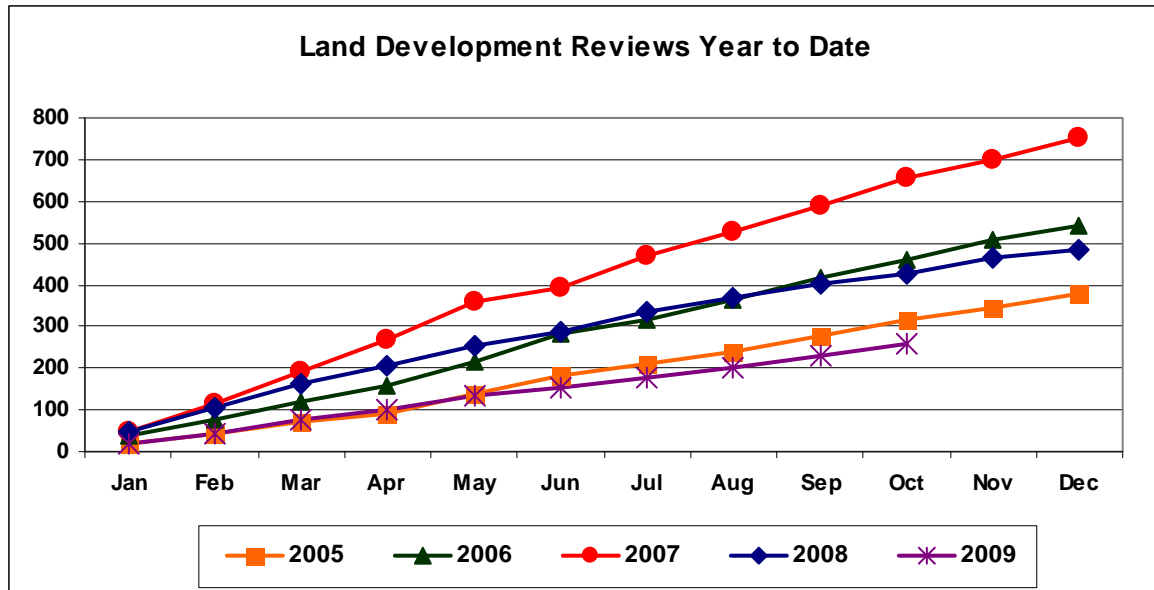
**REAL ESTATE BOARD  
LAND DEVELOPMENT DIVISION REPORT  
December 7, 2009**

Manager: Laurie Skillman  
Administrative Specialist: Marjorie Fernando

Section Overview

This Division reviews land development filings, including condominiums.

Workload and Activity Indicators



The monthly statistics for January through October 2009 roughly track the number of filings for 2005. Obtaining financing for land development projects continues to be challenging for developers. Some developers are auctioning unsold units in larger condominium projects. This requires a special form of unit sales agreement and usually revisions to an approved disclosure statement. Some developers have initiated fractional sales of condominium units, particularly in vacation condominiums. The division is also experiencing an increase in the number of declaration and/or bylaws amendments to accommodate HUD financing requirements. Chapter 641, Oregon Laws 2009 (SB 963), which will be effective January 1, 2010, amended a number of provisions in the Condominium Act (ORS Chapter 100) and in the statutes relating to planned communities and homeowner associations (ORS 94.550 to 94.783).

Program Changes, Future Projects, Streamlining

The division is working on revising condominium filing forms based on the changes in SB 963. Filings recorded on or after January 1, 2009 will need to comply with these statutes. Therefore, the division will work toward completing revisions in early fall. We also continue to work with the Administration Division on our system requirements for a land development database.

**REAL ESTATE BOARD  
ADMINISTRATIVE SERVICES DIVISION REPORT  
December 7, 2009**

Manager: Vacant

Administrative Specialists: Linda MacPherson

Section Overview

The Administrative Services Section acts as support to the agency. This section manages budget/allotment preparation, accounting, purchasing and contracting, inventory control, facilities, payroll and special projects.

Budget Update

Personal Services: Savings of approximately \$303,000 due to;

- June Emergency Board: Personal Services limitation was increased by \$268,707 to cover the increase in salary that was negotiated at the beginning of the biennium.
- Vacancy Savings: The Agency has experienced significant amount of vacancy savings with the open positions.

Services & Supplies: Savings of approximately \$1.2 million;

- Professional Services: Criminal Background Checks are down approximately 45% from last year and the estimated expenditures are projected at this lower volume. If the market takes an upward turn, there may be more brokers applying for background checks however it appears we will continue to experience this savings.
- Agency Program Related S&S: Exams administered are down approximately 35% from last year and the estimated expenditures are projected to continue at this lower volume. Similar to background checks, if the market takes an upward turn we may see more exams administered.

Agency Budget – projected savings of approximately \$1.5 million of our limitation.

Cash Flow: The agency is projected to spend approximately \$509,000 more than the projected revenue.

See budget spreadsheets for more information.

Program Changes

We are currently in the process of finalizing the hiring of a new Administrative Services Manager. An updated report will be available at the December Board Meeting.

Progress on current and future projects:

The Agency is in the final stages of issuing the Request for Proposal for a new licensing database. We are working with Contract and Procurement to coordinate the posting.

The Agency anticipates completing the media component of the Hearing Conference Room by the end of the year. Upgrades will include a sharper projector, audio capability, electronic media board and hard wired recording for meetings. The installation will also include an easy to use function panel for operating the equipment.

Real Estate Agency  
2009-2011 Biennium  
Through October 2009

	<u>Legislative Approved Budget</u>	<u>Expected Total Expenditures for Biennium (current)</u>	<u>Expected Remaining Limitation at end of Biennium</u>	<u>Notes</u>
<b>Total Personal Services</b>	<b>5,068,094</b>	<b>4,764,945</b>	<b>303,149</b>	Current vacancies budgeted at lower step than LAB estimates.
<b>Services &amp; Supplies and Capital Outlay Detail:</b>				
Travel	97,294	63,339	33,955	Includes both instate & out of state travel
Program Related Office Expenses	451,680	271,865	179,815	Includes employee training & recruitment, office expenses, postage, office furniture, private collection company fees & VISA and Mastercard processing fees
Publicity & Publications	164,996	72,484	92,512	Includes OJEN-J and licensing forms & packets, no longer printing Q & A books, discontinued sale & printing of "Blue Manuals"
Telecom/Tech Services & Support	74,016	97,887	(23,871)	
Data Processing	38,784	1,530	37,254	Server support & data processing (ie customer service survey processing and email subscription service)
IT Professional Services	70,569	58,698	11,872	Includes database contracts and maintenance agreements (including System Automation maint. agrmt)
IT Expendable Property	628,550	596,607	31,943	Includes all IT related equipment - including new online licensing system
State Govt Service Charge	198,807	223,331	(24,524)	Includes DAS Assessments, Treasury charges, State Library service charges, etc...
Attorney General Legal Fees	205,938	136,448	69,490	
Facilities Rent, Taxes & Maintenance	392,255	390,070	2,185	
OSP Criminal Background Checks		188,100		Background Check expenses estimated to increase slightly over biennium
Hearings Officers, EAP & Legis. Counsel		33,093		
Professional Service Contracts		<u>74,000</u>		Includes professional contracts for rule review work groups, independent consultant for online licensing system review and other professional services
Total Professional Services	550,444	295,194	255,250	
Agency Program Related S&S	<u>436,385</u>	<u>189,516</u>	<u>246,869</u>	Exam expenses estimated to increase slightly over biennium
<b>Total Services &amp; Supplies and Capital Outlay</b>	<b>3,309,718</b>	<b>2,396,967</b>	<b>1,207,944</b>	
<b>Totals</b>	<b>8,377,812</b>	<b>7,161,912</b>	<b>1,511,093</b>	

**Oregon Real Estate Agency**

**Criminal Background Check, Exam Applications and Exams Administered Statistics**

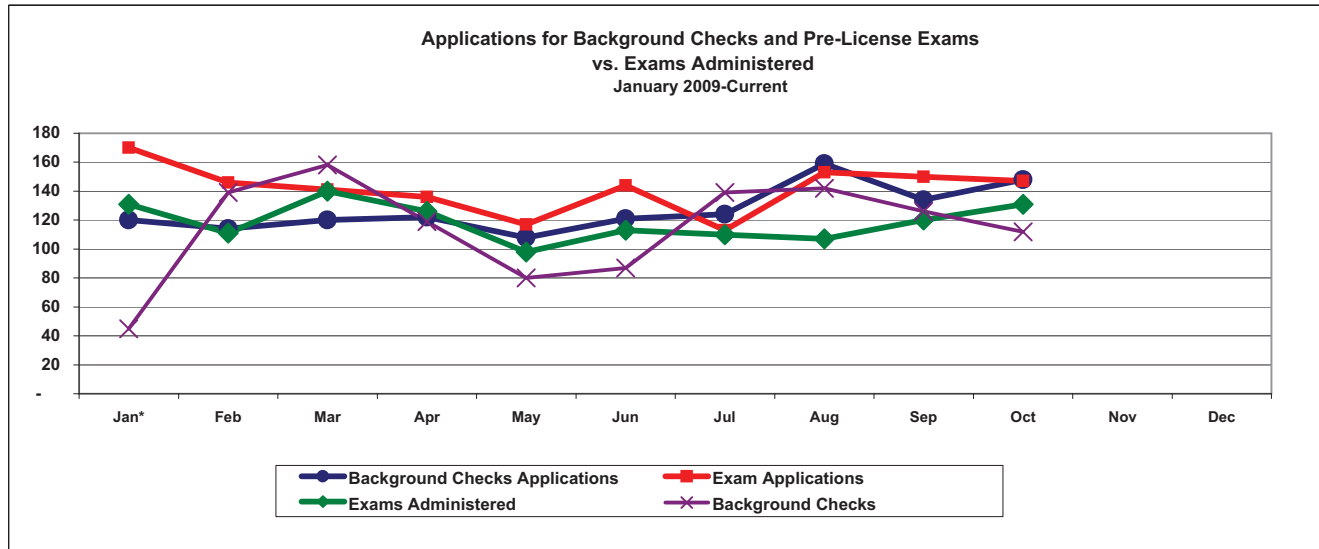
Source: Laurie Hall, Stacey Harrison

Date: October 2009

**2009 Background Checks vs. Exam Applications vs. Exams Administered**

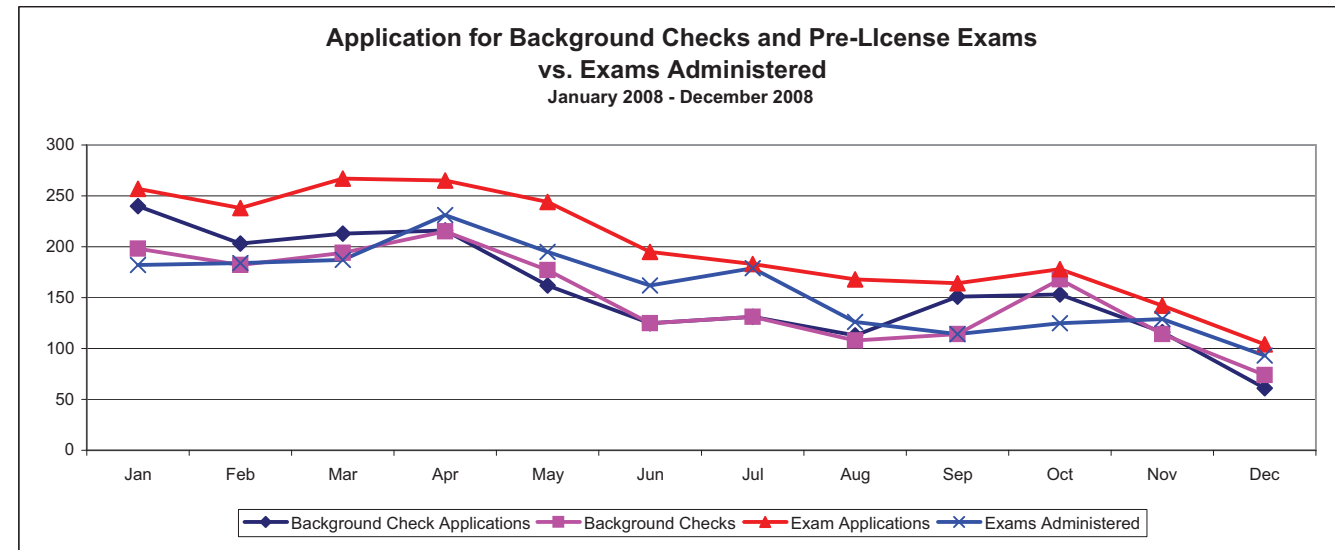
	Jan*	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Ave
<b>Background Checks Applications</b>	120	114	120	122	108	121	124	159	134	148			1270	127
<b>Background Checks</b>	45	139	158	119	80	87	139	142	126	112			1147	115
<b>Exam Applications</b>	170	146	141	136	117	144	113	153	150	147			1417	142
<b>Exams Administered</b>	131	111	140	126	98	113	110	107	120	131			1187	119

\*Jan 2009 Majority of Background Check applications received at end of month - OSP did not process until Feb.

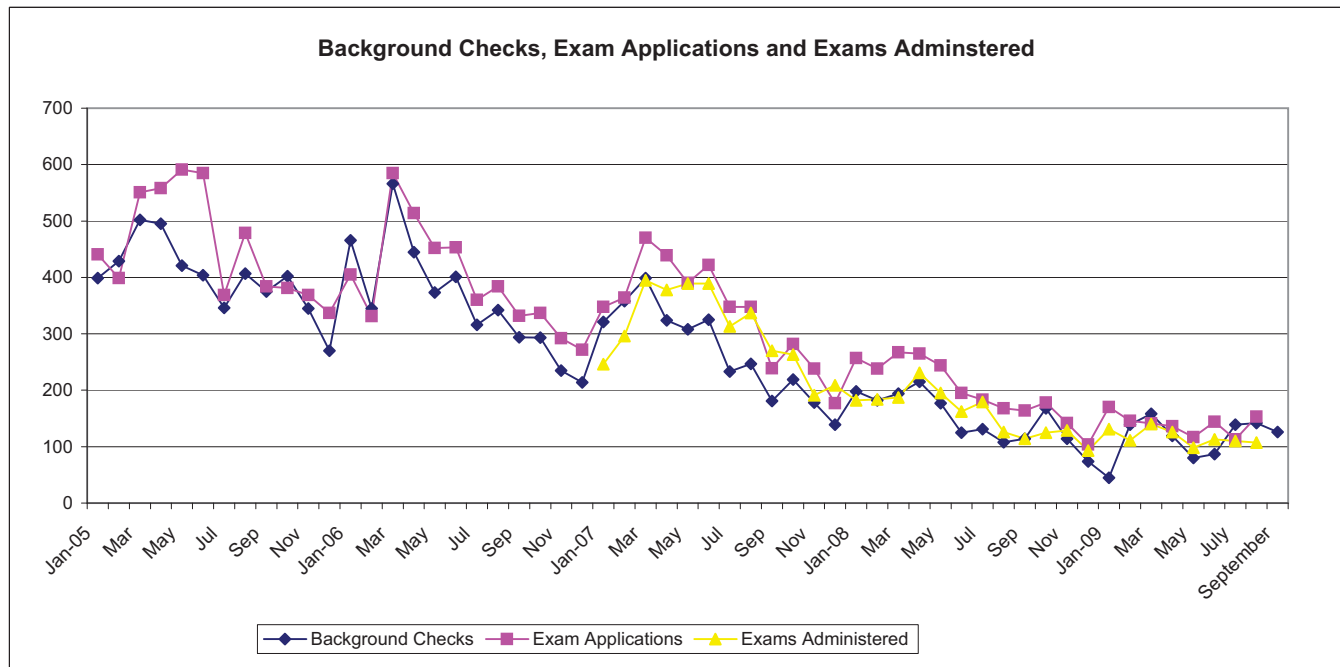


**2008 Background Checks v. Exam Applications v. Exams Administered**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Ave
<b>Background Check Applications</b>	240	203	213	216	162	125	131	113	151	153	116	61	1884	157
<b>Background Checks</b>	198	182	194	215	177	125	131	108	114	168	114	74	1800	150
<b>Exam Applications</b>	257	238	267	265	244	195	183	168	164	178	142	104	2405	200
<b>Exams Administered</b>	182	184	187	231	195	162	179	126	114	125	129	93	1907	159



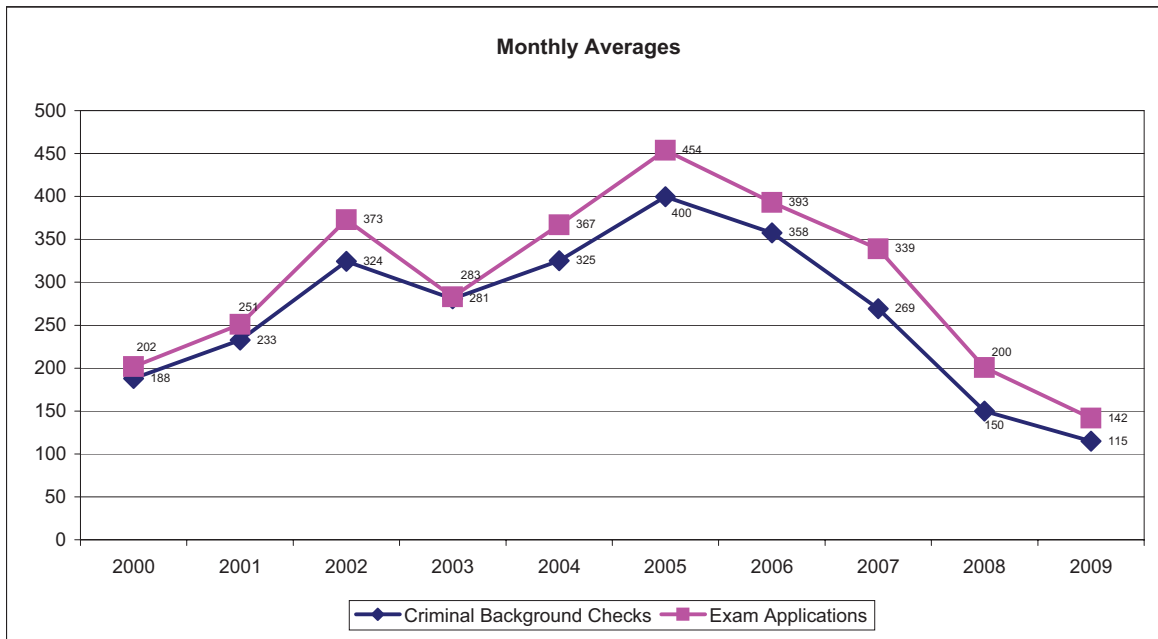
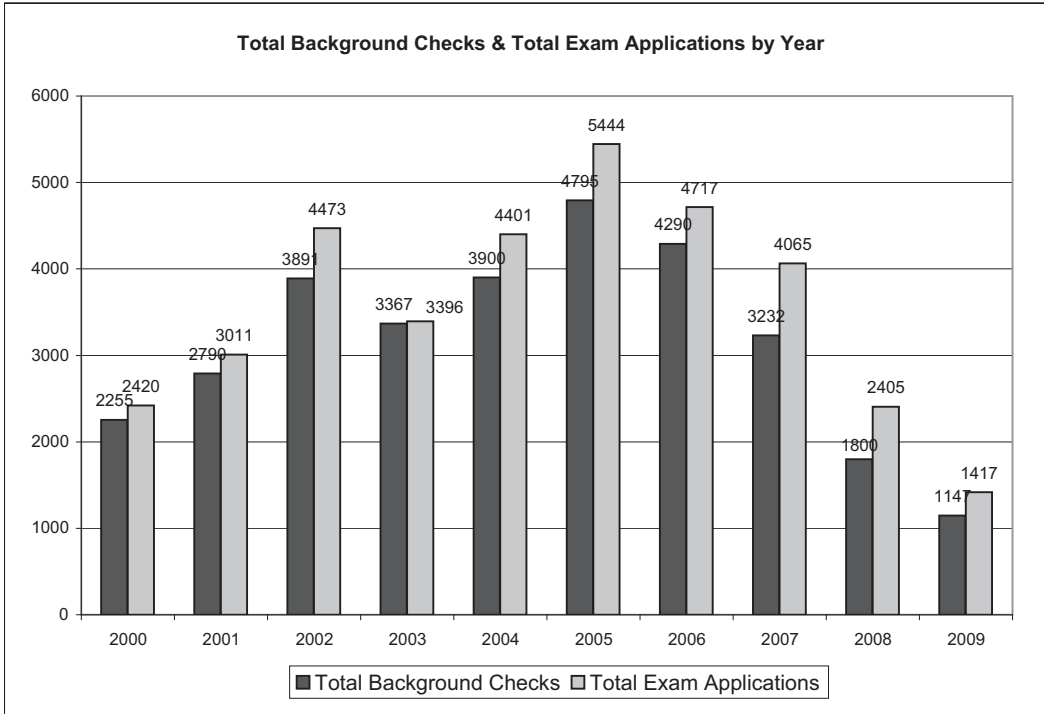
**Oregon Real Estate Agency**  
**Criminal Background Check, Exam Applications and Exams Administered Statistics**  
 Source: Laurie Hall, Stacey Harrison  
 Date: October 2009



\*\* Note: Peak in graph due to law change - must pass exam to become a broker

<u>2009</u>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Ave
Background Check Applications	120	114	120	122	108	121	124	159	134	148			1270	127
Background Checks	45	139	158	119	80	87	139	142	126	112			1147	115
Exam Applications	170	146	141	136	117	144	113	153	150	147			1417	142
Exams Administered	131	111	140	126	98	113	110	107	120	131			1187	119
<u>2008</u>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Ave
Background Check Applications	240	203	213	216	162	125	131	113	151	153	116	61	1884	157
Background Checks	198	182	194	215	177	125	131	108	114	168	114	74	1800	150
Exam Applications	257	238	267	265	244	195	183	168	164	178	142	104	2405	200
Exams Administered	182	184	187	231	195	162	179	126	114	125	129	93	1907	159
<u>2007</u>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Ave
Background Checks	321	358	399	324	308	325	233	247	181	219	178	139	3232	269
Exam Applications	348	364	470	439	390	422	348	348	239	282	238	177	4065	339
Exams Administered	246	296	395	378	389	389	313	337	270	263	191	209	3676	306
<u>2006</u>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Ave
Background Checks	466	345	566	445	373	401	316	342	294	293	235	214	4290	358
Exam Applications	405	331	585	514	452	453	360	384	332	337	292	272	4717	393
<u>2005</u>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Ave
Background Checks	399	429	502	495	421	404	346	407	375	402	345	270	4795	400
Exam Applications	441	399	551	558	591	585	369	479	384	381	369	337	5444	454
<u>2004</u>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Ave
Background Checks	275	392	357	371	325	301	303	297	343	353	329	254	3900	325
Exam Applications	295	312	424	397	354	400	381	353	365	328	393	399	4401	367
<u>2003</u>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Ave
Background Checks	251	215	246	296	242	265	257	308	325	406	290	266	3367	281
Exam Applications	190	197	231	271	245	278	313	271	353	364	323	360	3396	283
<u>2002</u>	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Ave
Background Checks	348	469	625	950	536	114	100	129	127	198	143	152	3891	324
Exam Applications	300	369	538	868	1203	585	31	73	83	126	126	171	4473	373

**Oregon Real Estate Agency**  
**Criminal Background Check, Exam Applications and Exams Administered Statistics**  
 Source: Laurie Hall, Stacey Harrison  
 Date: October 2009



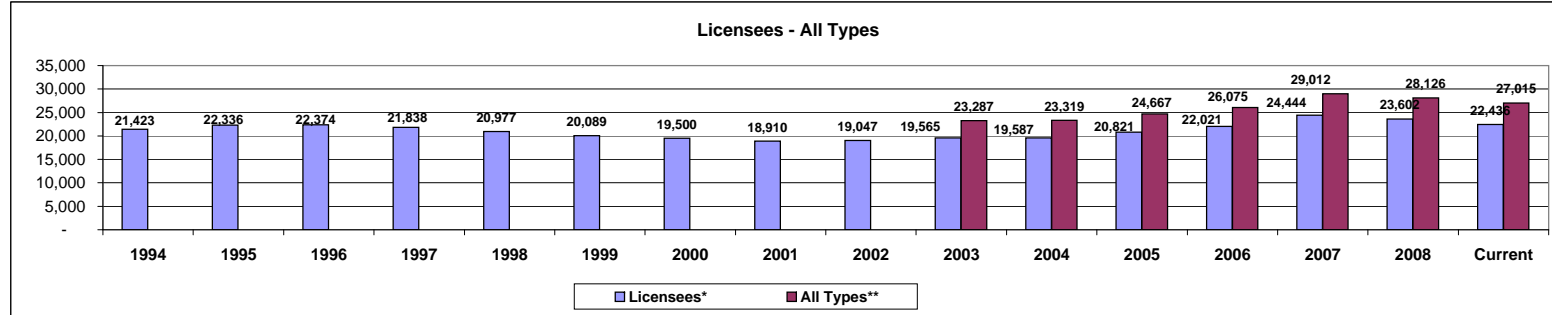
**Total Licenses**

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	Current
Licenses*	21,423	22,336	22,374	21,838	20,977	20,089	19,500	18,910	19,047	19,565	19,587	20,821	22,021	24,444	23,602	22,436
All Types**										23,287	23,319	24,667	26,075	29,012	28,126	27,015

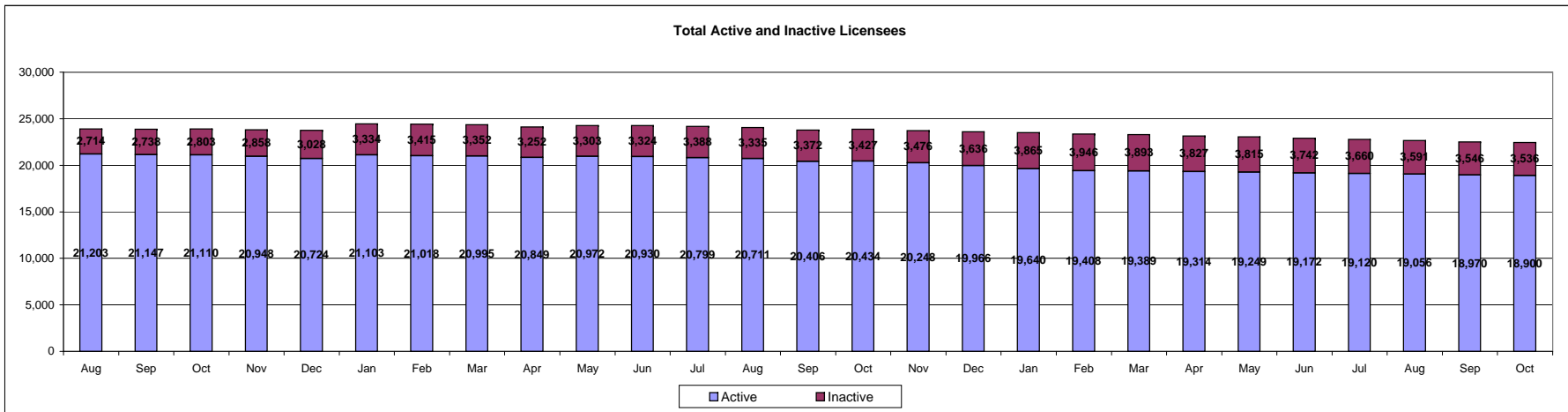
NOTE: Data is approximately from year end of each year.

\* Licensee figure is people only, does not include organizations and branch offices.

\*\* All Types includes Organizations and Branch Offices



Total Licenses	2007						2008												2009								
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Active	21,153	21,203	21,147	21,110	20,948	20,724	21,103	21,018	20,995	20,849	20,972	20,930	20,799	20,711	20,406	20,434	20,248	19,966	19,640	19,408	19,389	19,314	19,249	19,172	19,120	19,056	18,970
Inactive	2,751	2,714	2,738	2,803	2,858	3,028	3,334	3,415	3,352	3,252	3,303	3,324	3,388	3,335	3,372	3,427	3,476	3,636	3,865	3,946	3,893	3,827	3,815	3,742	3,660	3,591	3,546
Total	23,904	23,917	23,885	23,913	23,806	23,752	24,437	24,433	24,347	24,101	24,275	24,254	24,187	24,046	23,778	23,861	23,724	23,602	23,505	23,354	23,282	23,141	23,064	22,914	22,780	22,647	22,516
Percent Active	88%	89%	89%	88%	88%	87%	86%	86%	86%	87%	86%	86%	86%	86%	86%	86%	85%	85%	84%	83%	83%	83%	83%	84%	84%	84%	84%



**Oregon Real Estate Agency**

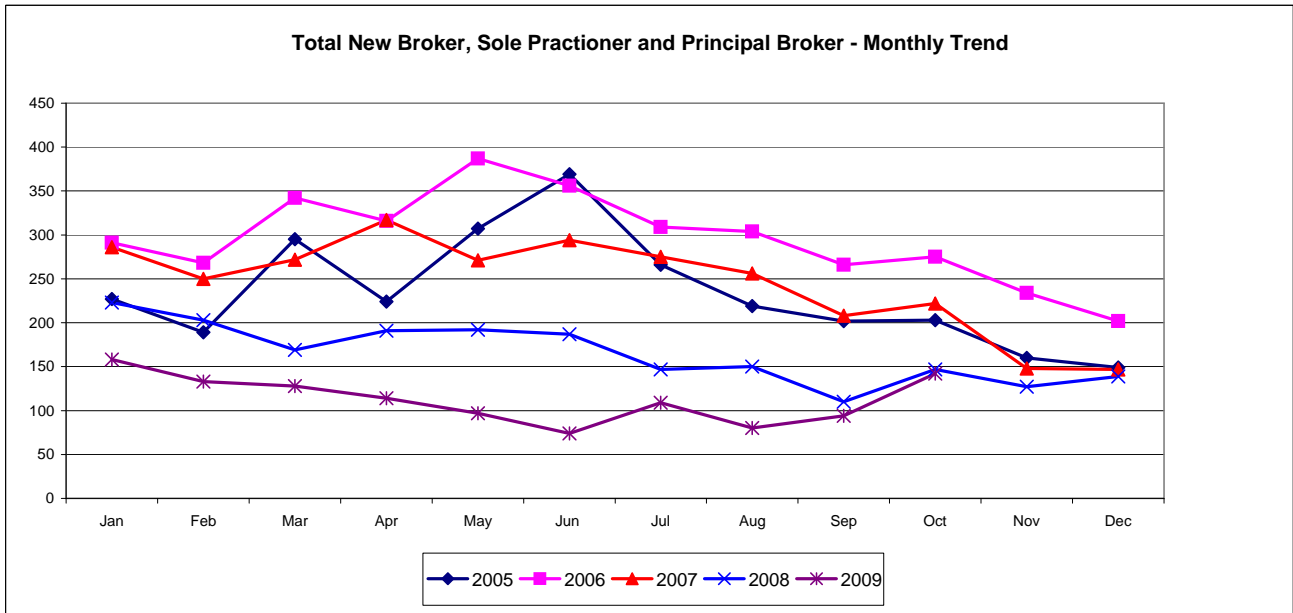
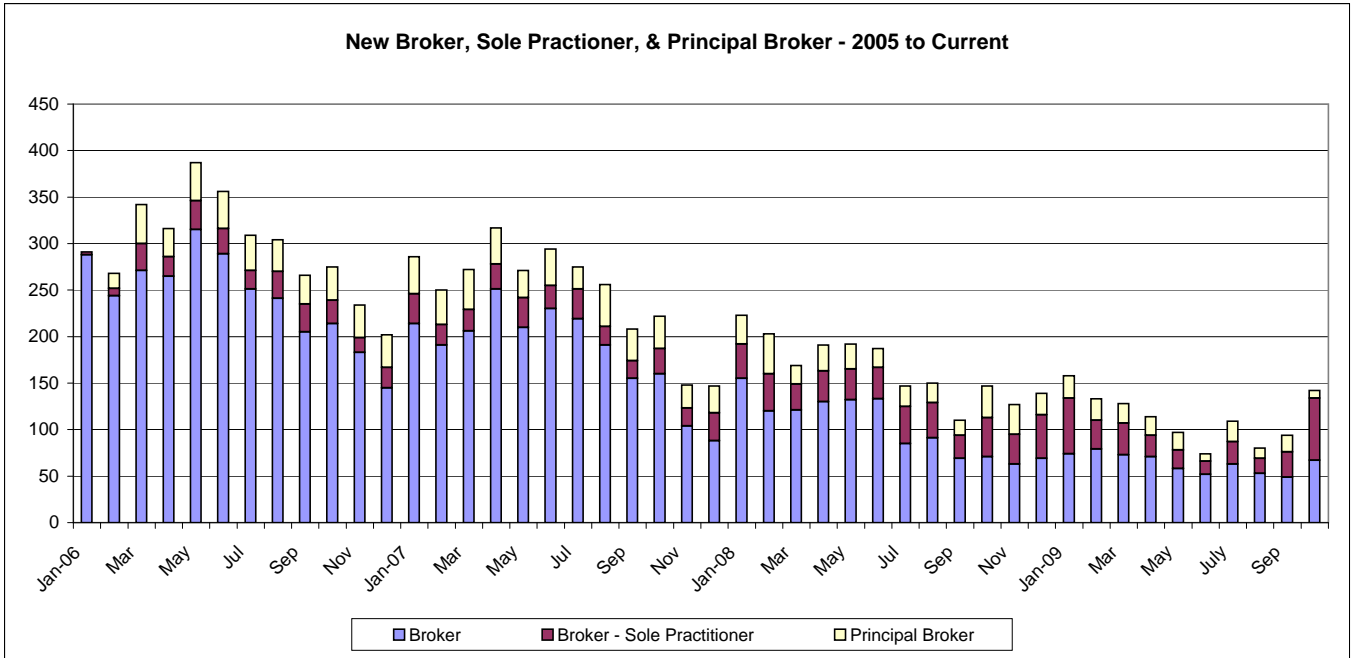
**New Licensee Statistics**

Source: Laurie Hall

Date: October 2009

**Total New Broker, Sole Practitioner, & Principal Broker**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Average
<b>2005</b>	227	189	295	224	307	369	266	219	202	203	160	149	2810	234
<b>2006</b>	291	268	342	316	387	356	309	304	266	275	234	202	3550	296
<b>2007</b>	286	250	272	317	271	294	275	256	208	222	148	147	2946	246
<b>2008</b>	223	203	169	191	192	187	147	150	110	147	127	139	1985	165
<b>2009</b>	158	133	128	114	97	74	109	80	94	142			1129	113
<b>Average</b>	237	209	270	262	289	302	249	232	176	212	167	159		



**Oregon Real Estate Agency**

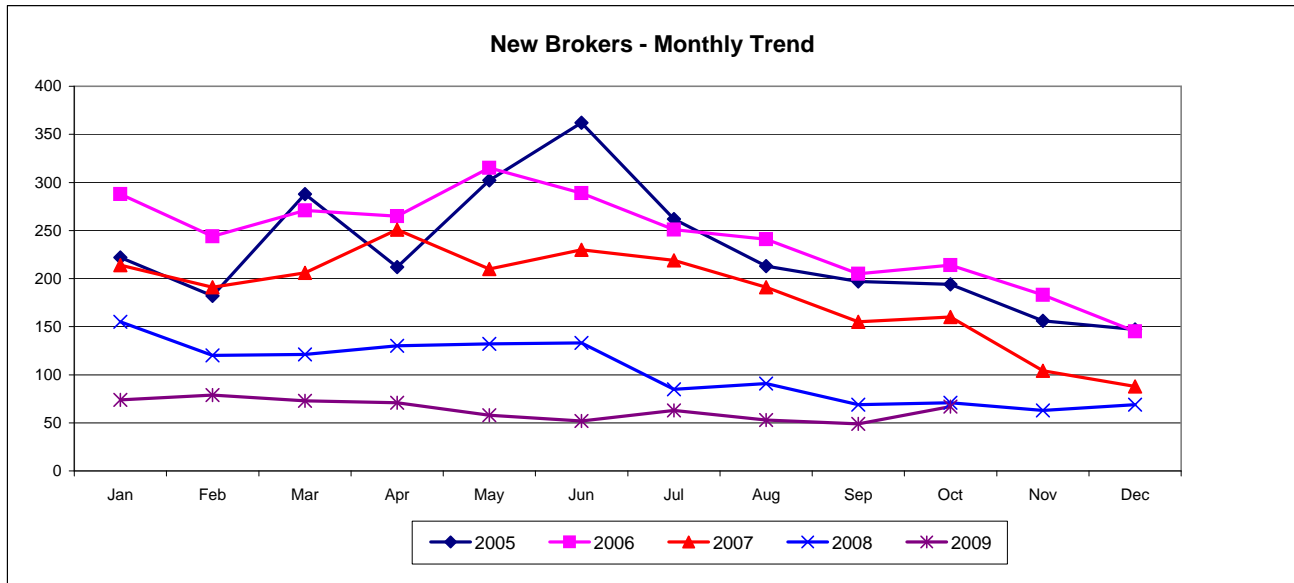
**New Licensee Statistics**

Source: Laurie Hall

Date: October 2009

**New Broker**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Average
2005	222	182	288	212	302	362	262	213	197	194	156	147	2737	228
2006	288	244	271	265	315	289	251	241	205	214	183	145	2911	243
2007	214	191	206	251	210	230	219	191	155	160	104	88	2219	185
2008	155	120	121	130	132	133	85	91	69	71	63	69	1239	103
2009	74	79	73	71	58	52	63	53	49	67			639	64
<b>Average</b>	220	163	222	215	240	254	204	184	135	160	127	112		



**New Broker - Sole Practitioner**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Average
2005	5	7	7	10	5	5	3	6	5	6	2	2	63	5
2006	3	8	29	21	31	27	20	29	30	25	16	22	261	22
2007	32	22	23	27	32	25	32	20	19	27	19	30	308	26
2008	37	40	28	33	33	34	40	38	25	42	32	47	429	36
2009	60	31	34	23	20	14	24	16	27	67			316	32
<b>Average</b>	27	22	22	23	25	23	24	23	20	25	17	25		

**New Principal Broker**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Average
2005	0	0	0	2	0	2	1	0	0	3	2	0	10	1
2006	0	16	42	30	41	40	38	34	31	36	35	35	378	32
2007	40	37	43	39	29	39	24	45	34	35	25	29	419	35
2008	31	43	20	28	27	20	22	21	16	34	32	23	317	26
2009	24	23	21	20	19	8	22	11	18	8			174	17
<b>Average</b>	19	24	26	25	24	25	21	25	20	27	24	22		

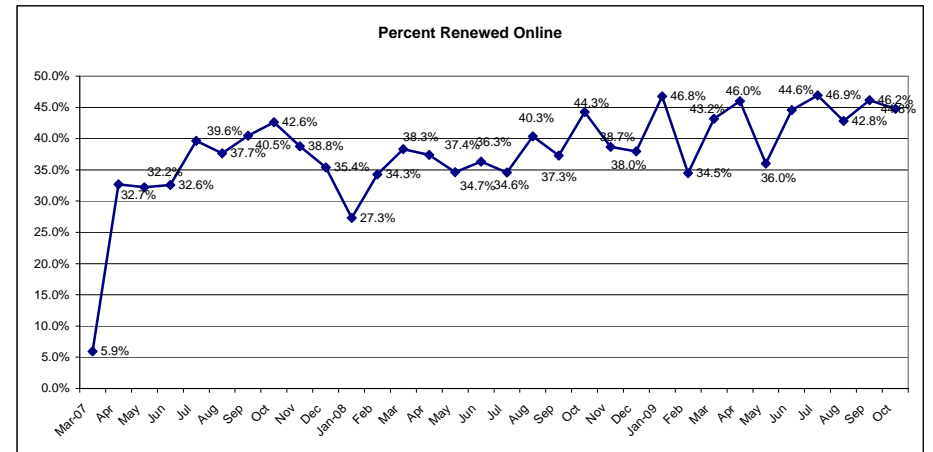
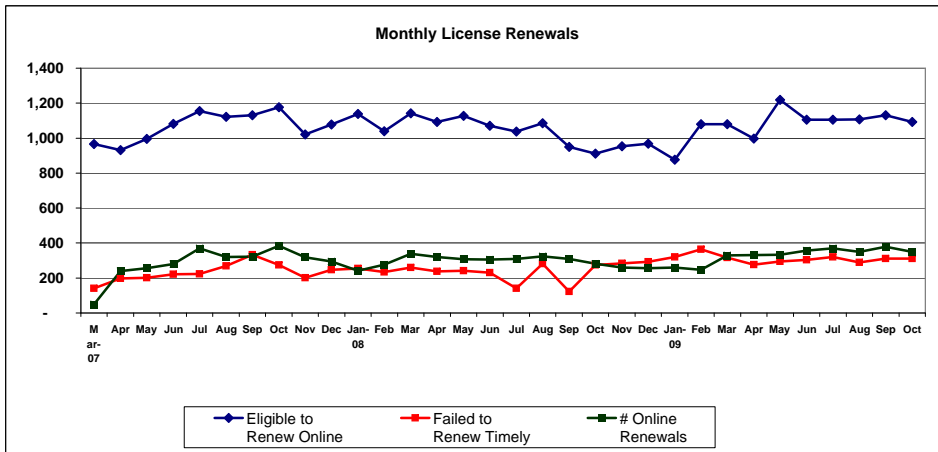
**New Property Manager**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Average
2005	12	16	5	8	7	7	12	5	10	5	5	9	101	8
2006	6	5	7	7	12	12	3	10	12	10	7	4	95	8
2007	6	2	4	8	12	9	7	9	11	9	5	17	99	8
2008	9	11	10	9	11	10	5	12	11	10	12	6	116	10
2009	8	9	10	4	7	10	0	6	1	10			65	7
<b>Average</b>	8	9	7	8	11	10	7	9	9	9	7	9		

	2007												2008												2009											
	Mar-07	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan-08	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan-09	Feb	Mar	Apr	May	Jun	Jul	Aug						
Eligible to Renew Online	967	932	996	1,082	1,155	1,121	1,131	1,177	1,021	1,077	1,138	1,039	1,142	1,093	1,128	1,071	1,037	1,085	950	912	954	969	876	1,080	1,080	998	1,218	1,105	1,105	1,107						
Failed to Renew Timely	141	198	201	222	224	269	333	274	201	247	255	234	260	237	242	231	141	282	122	275	284	292	320	364	316	276	294	304	321	290						
Total # Eligible Timely Renewals	826	734	795	860	931	852	798	903	820	830	883	805	882	856	886	840	896	803	828	637	670	677	556	716	764	722	924	801	786	817						
# Online Renewals	49	240	256	280	369	321	323	385	318	294	241	276	338	320	307	305	310	324	309	282	259	257	260	247	330	332	333	357	369	350						
Percent Renewed Online	5.9%	32.7%	32.2%	32.6%	39.6%	37.7%	40.5%	42.6%	38.8%	35.4%	27.3%	34.3%	38.3%	37.4%	34.7%	36.3%	34.6%	40.3%	37.3%	44.3%	38.7%	38.0%	46.8%	34.5%	43.2%	46.0%	36.0%	44.6%	46.9%	42.8%						
Percent Failed to Renew Timely	14.6%	21.2%	20.2%	20.5%	19.4%	24.0%	29.4%	23.3%	19.7%	22.9%	22.4%	22.5%	22.8%	21.7%	21.5%	21.6%	13.6%	26.0%	12.8%	30.2%	29.8%	30.1%	36.5%	33.7%	29.3%	27.7%	24.1%	27.5%	29.0%	26.2%						

NOTE: Opened for online transactions 3/21/07 (no advertisement). Flyers first sent with renewal applications in April, 2007  
 NOTE: If the licensee is making a change (e.g. changing status, license category, or RBN), they may not renew online

NOTE: Online renewals seem to be steady at about 40% to 45% - many companies do not want to have their brokers renew online because the online renewal process does not notify the principal broker or give the principal broker the opportunity to review/approve the licensee's continuing education before allowing the licensee to renew online



Regulation's Monthly Statistics	2007								2008								2009											
	Jun-07	Jul	Aug*	Sep	Oct	Nov	Dec	Jan-08	Feb**	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct***	Nov	Dec	Jan-09	Feb*	Mar	Apr	May	Jun#	Jul	Aug	Sep
Complaints Received during Month	82	64	57	79	72	62	70	34	31	45	72	36	48	43	35	52	105	48	85	53	176	58	36	52	53	23	32	25
Investigations Opened during Month	57	63	30	51	47	33	68	10	5	34	55	13	43	30	18	58	90	59	61	74	193	66	47	31	46	9	9	18
Investigations Open at Month-End	207	224	196	219	189	171	190	174	164	178	202	204	221	213	219	231	255	230	230	264	239	235	258	230	110	113	93	111
Complaints & Investigations Closed	47	31	56	34	49	52	46	25	17	15	28	22	14	29	6	29	64	53	64	45	163	39	26	32	26	33	24	13
Final Orders Issued during Month	9	10	7	6	15	12	5	8	2	9	3	4	14	7	2	2	2	8	4	7	4	2	3	5	7	7	5	8
Hearings Held during Month	4	1	0	0	1	1	0	0	0	1	0	1	0	1	0	0	0	0	0	0	1	0	0	0	1	0	0	0

\* Background check workload transferred to Licensing during August 2007.

\*\* One lengthy file closed (over a thousand days) in 2/2008 bringing average to close investigation up significantly.

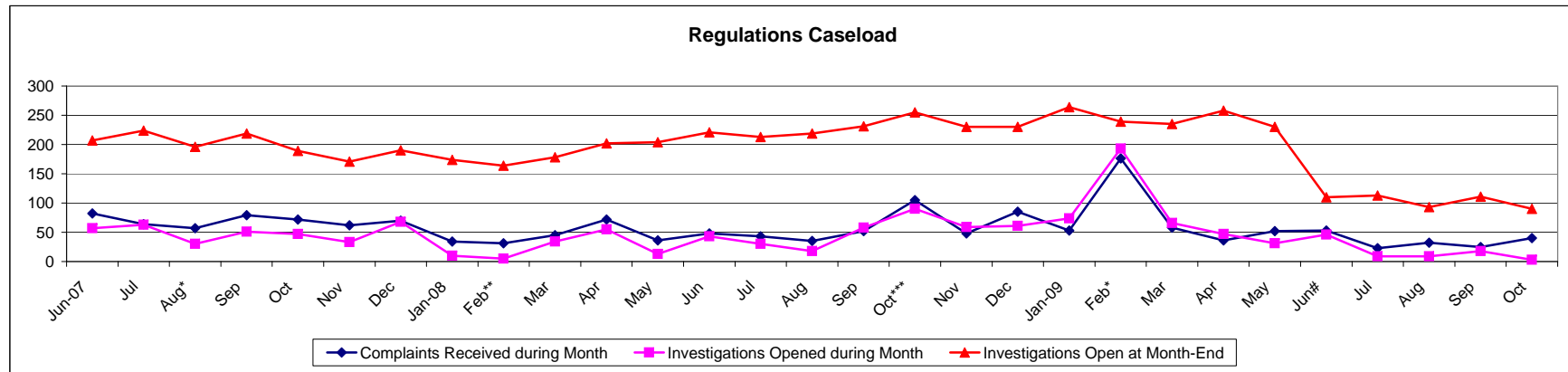
\*\*\* October 2008 - Regulation Manager finalizing outstanding cases, one old case closed.

\* Feb 2009 141 Renewal cases opened & closed while catching up.

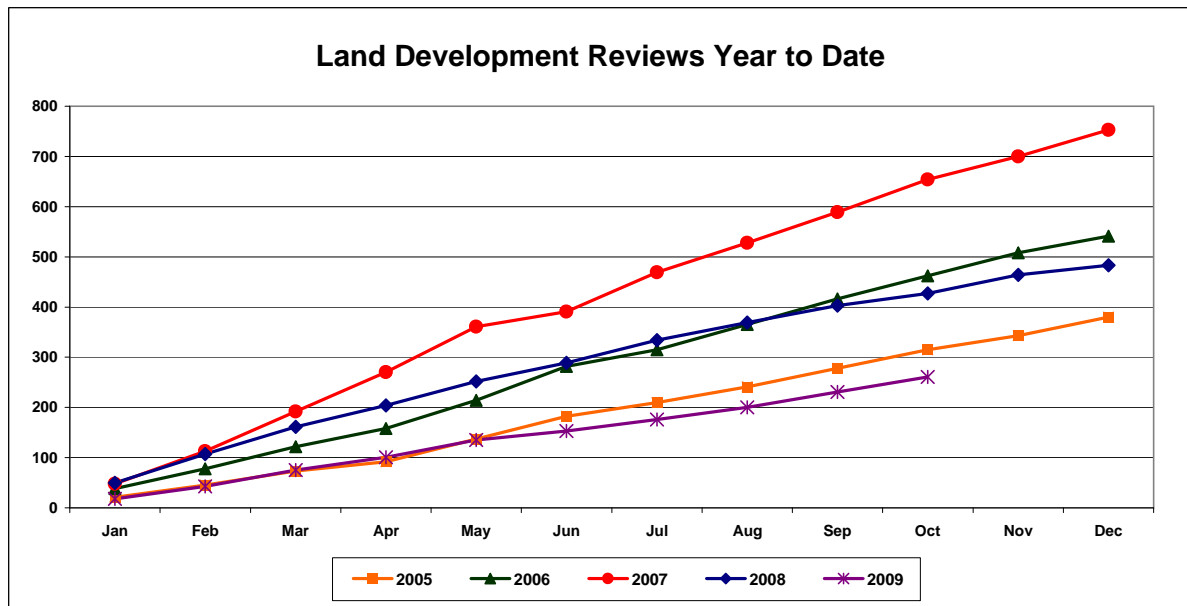
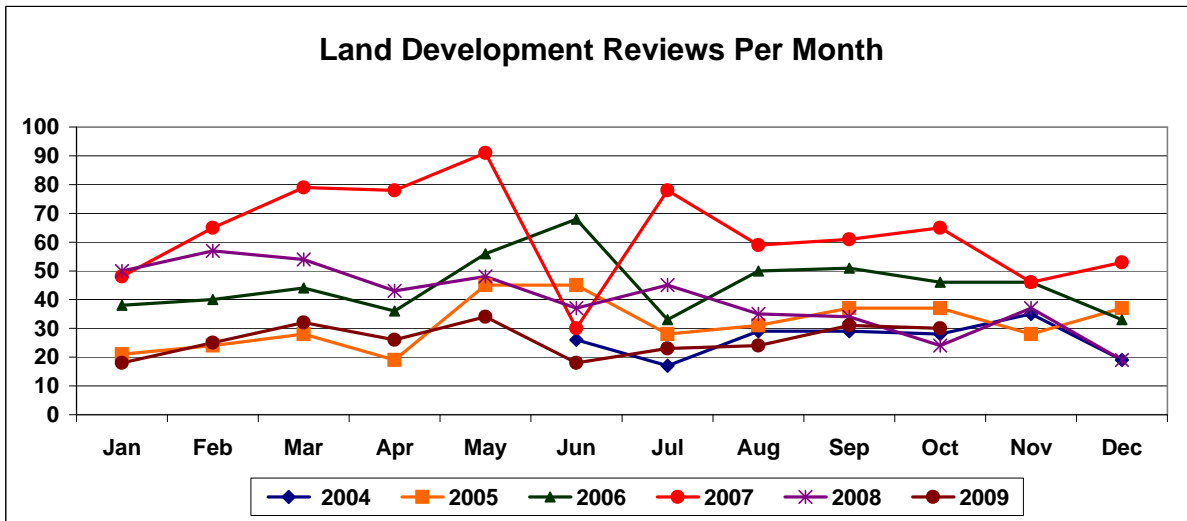
Regulation Manager position vacant from 4/29/08 - 6/9/08

# Jun 2009 - Prior to June 2009, number of investigations opened at monthend included following status:  
 Investigation complete, Admin Review Complete, and Pending Admin Action

Averages					
Average Complaints Rec'd per Month	58	Average Final Orders per Month	7	Average Investigations Open at Month-End (since Jun 09)	103
Average Investigations Opened Per Month	46	Average Hearing Held per Month	0	Average Complaints & Investigations Closed per Month	39



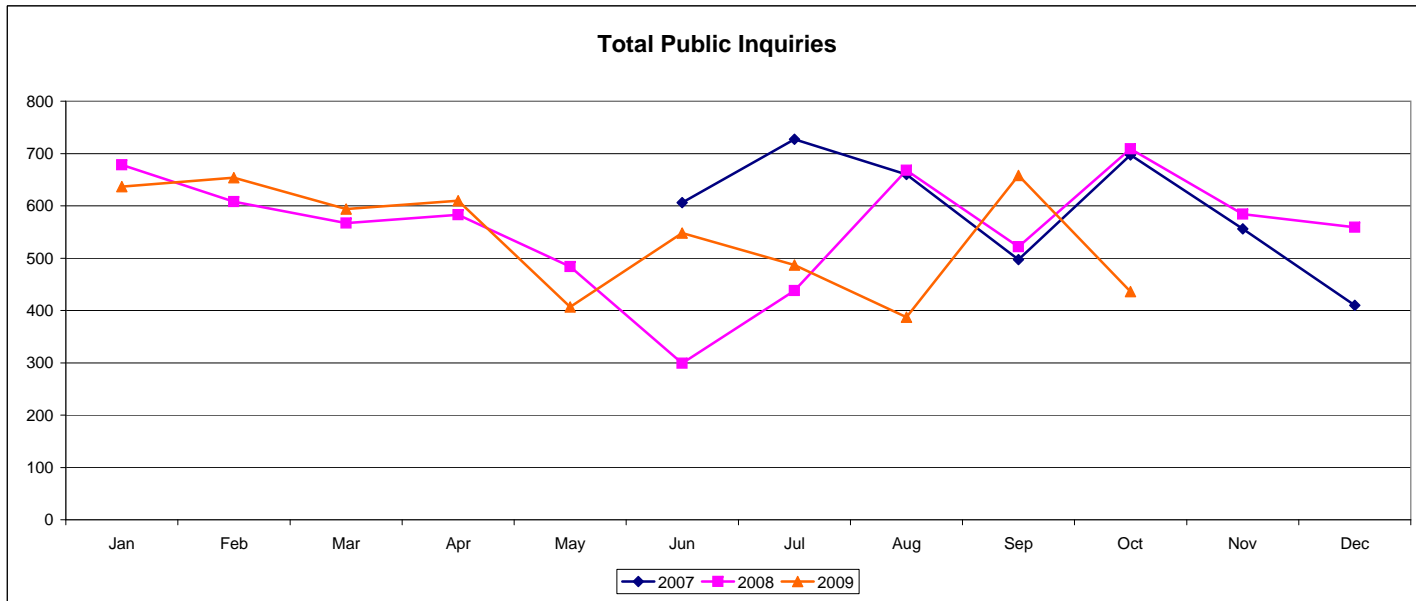
Land Development Reviews/Month	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Average
2004						26	17	29	29	28	35	19	26
2005	21	24	28	19	45	45	28	31	37	37	28	37	32
2006	38	40	44	36	56	68	33	50	51	46	46	33	45
2007	48	65	79	78	91	30	78	59	61	65	46	53	63
2008	50	57	54	43	48	37	45	35	34	24	37	19	40
2009	18	25	32	26	34	18	23	24	31	30			26
Average	35	47	51	44	60	45	46	44	43	40	39	36	



Oregon Real Estate Agency  
 Education Statistics  
 Source: Stacey Harrison  
 Date: October 2009

	2007							2008												2009									
	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug*	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Phone Room Calls received during Month	559	683	592	443	642	509	382	598	543	507	511	442	260	392	547	437	607	508	460	537	549	468	526	306	460	407	319	550	345
Email Inquiries received during Month	35	31	56	39	46	36	18	66	58	53	51	37	30	44	111	77	100	65	91	99	103	125	82	100	86	78	66	106	87
Walk-In Inquiries received during Month	12	13	12	15	9	11	10	14	7	7	21	5	9	2	10	8	2	11	8	1	2	1	2	1	2	2	2	2	4
<b>Total Public Inquiries</b>	<b>606</b>	<b>727</b>	<b>660</b>	<b>497</b>	<b>697</b>	<b>556</b>	<b>410</b>	<b>678</b>	<b>608</b>	<b>567</b>	<b>583</b>	<b>484</b>	<b>299</b>	<b>438</b>	<b>668</b>	<b>522</b>	<b>709</b>	<b>584</b>	<b>559</b>	<b>637</b>	<b>654</b>	<b>594</b>	<b>610</b>	<b>407</b>	<b>548</b>	<b>487</b>	<b>387</b>	<b>658</b>	<b>436</b>
Compliance Reviews Completed during Month	15	19	10	16	19	17	7	7	8	7	9	5	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Average Total Inquiries	561
Average Phone Calls	486
Average Email Inquires	68
Average Walk-In Inquiries	7

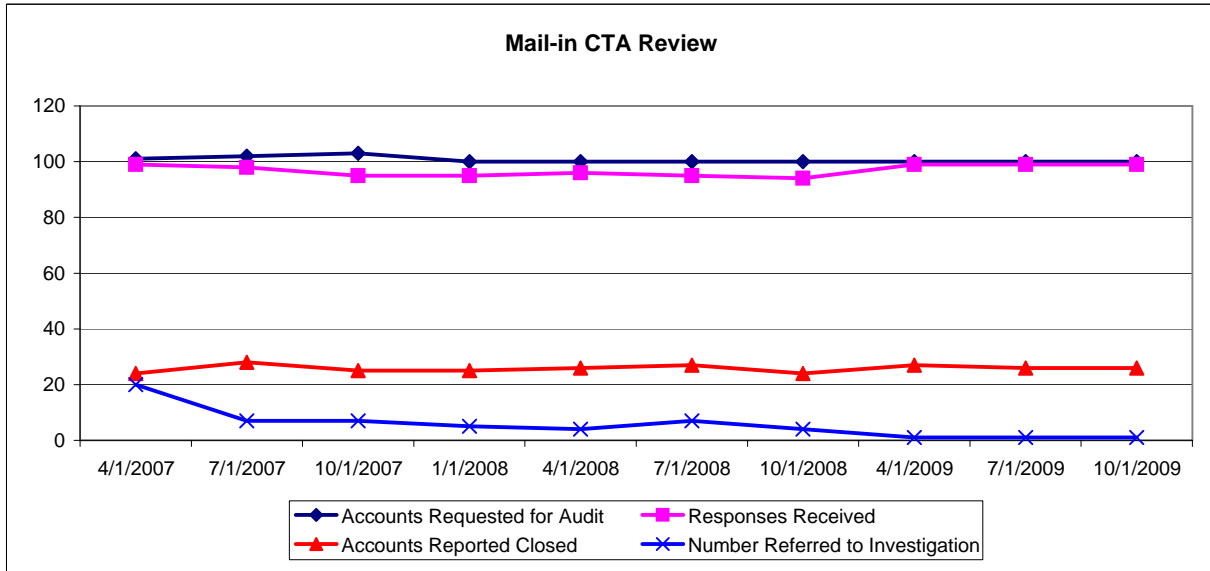


\* In August 2008, The Education Division implemented the use of an online public inquiry data base which changed the way we tracked the public inquiry data.

**Oregon Real Estate Agency**  
**Mail-in CTA Statistics**  
**Source: Stacey Harrison**  
**Date: October 2009**

Mail-in Review	4/1/2007	7/1/2007	10/1/2007	1/1/2008	4/1/2008	7/1/2008	10/1/2008	4/1/2009	7/1/2009
Accounts Requested for Audit	101	102	103	100	100	100	100	100	100
Responses Received	99	98	95	95	96	95	94	99	99
Accounts Reported Closed	24	28	25	25	26	27	24	27	26
Number Referred to Investigation	20	7	7	5	4	7	4	1	1
Percent of Mail-in Audits to Investgiation	19.80%	6.86%	6.80%	5.00%	4.00%	7.00%	4.00%	1.00%	1.00%

Note: No CTA Mail-in Audit for 1st Quarter 2009 while Education is down staff.  
 April 2009 CTA Audit Requested - responses due 5/20/09.



Oregon Real Estate Agency  
 Regulations Case Timeframe Statistics  
 Source: Selina Barnes  
 Date: October 2009

	2007								2008												2009								
	Jun-07	Jul	Aug*	Sep	Oct	Nov	Dec	Jan-08	Feb**	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct***	Nov	Dec	Jan-09	Feb*	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Investigations:																													
Days to Complete Investigation - Average	125	91	138	184	90	147	136	83	242	169	475	152	224	170	199	157	203	166	211	315	206	186	284	207	195	162	239	194	159
Days to Complete Investigation - Median	73	71	94	128	1055	126	109	47	132	102	148	122	185	125	150	132	168	159	178	228	149	146	253	168	175	161	179	179	163
Number Investigations Completed	34	33	24	19	20	20	17	13	9	12	23	21	16	17	15	14	17	12	16	11	13	22	19	12	15	11	10	16	16
Administrative Review:																													
Days to Complete Admin. Review - Average	16	24	18	15	24	16	47	20	23	48	23	102	0	128	3	140		137	184	120	161	127	125	196	107	184	147	108	68
Days to Complete Admin. Review - Median	6	10	7	7	6	6	18	5	20	21	10	16	0	38	3	140		142	62	120	186	91	64	199	139	191	136	79	68
Number Completed	34	27	34	16	19	15	7	16	4	10	17	6	0	8	1	2		33	7	18	23	16	30	11	5	29	20	13	56

NOTES:  
 \* Background check workload transferred to Licensing during August 2007.  
 \*\* One lengthy file closed (over a thousand days) in 2/2008 bringing average to close investigation up significantly. April, 2009 - 19 completed investigations - 8 were over 300 days, completing the old cases drives the average up.  
 \*\*\* October 2008 - Regulation Manager finalizing outstanding cases, one old case closed - 1078 day old case (outlier).  
 \* Feb 2009 141 Renewal cases opened & closed while catching up.  
 Regulation Manager position vacant from 4/29/08 - 6/9/08

Averages:			
Days to Complete Investigation	190	Number of Investigations Completed per month	17
Days to Complete Administrative Review	83	Number of Administrative Reviews Completed per month	17

