

**161-006-0175**

**Enforcement Guidelines**

The primary objective of the enforcement guidelines is to fairly and consistently apply appropriate sanctions for violations of Oregon Revised Statutes and Oregon Administrative Rules governing real estate appraisal activity.

(1) Sanction Guidelines Grid:

	1st Board Action	2nd Board Action	3rd Board Action	4th Board Action
ORS 674.990 Unlicensed Activity	\$500 Civil Penalty plus \$1,000 for 2nd & subsequent offenses	\$500 Civil Penalty plus \$1,000 for 2nd & subsequent offenses	\$500 Civil Penalty plus \$1,000 for 2nd & subsequent offenses	\$500 Civil Penalty plus \$1,000 for 2nd & subsequent offenses
ORS 674.850 Violation of Final Order of the Board, Final Judgment by the Court	90 Day Suspension plus \$500 Civil Penalty per violation	Revocation plus \$500 Civil Penalty per violation		
ORS 674.140 (3), (10) and (12) Knowingly	\$500 Civil Penalty per violation plus Reprimand and/or Education	\$500 Civil Penalty per violation plus 90 Day Suspension and/or Education	\$500 Civil Penalty per violation plus Revocation	
ORS 674.140 (3) Negligently	\$500 Civil Penalty per violation plus Reprimand and/or Education	\$500 Civil Penalty per violation plus Reprimand and/or Education	\$500 Civil Penalty per violation plus 90 Day Suspension	\$500 Civil Penalty per violation plus Revocation
ORS 674.140 (6)	\$500 Civil Penalty per violation plus 90 Day Suspension	\$500 Civil Penalty per violation plus 150 Day Suspension	\$500 Civil Penalty per violation plus Revocation	
ORS 674.140 (4), (8) and (9)	\$500 Civil Penalty per violation plus Revocation or denial of application			
ORS 674.140 (2) and (7)	Civil Penalty (\$100-\$250 per violation) and/or Education	Civil Penalty (\$250-\$500 per violation) and/or Education and/or Reprimand	\$500 Civil Penalty per violation plus 60 Day Suspension	\$500 Civil Penalty per violation plus Revocation
ORS 674.140 (1) and (13) Knowingly / Fraudulently	\$500 Civil Penalty per violation plus Revocation			
ORS 674.140 (1), (11) and (13) Negligence / Competency	\$500 Civil Penalty per violation plus Reprimand and/or Education	\$500 Civil Penalty per violation plus 90 Day Suspension and/or Education	\$500 Civil Penalty per violation plus Revocation	

(2) The Notice shall propose the presumptive sanction(s) provided by the guidelines in OAR 161-006-0175(1) unless there are substantial and compelling reason(s) to propose a departure. If the Notice departs from the presumptive sanctions, the Notice shall state the substantial and compelling reason(s) for the departure.

(3) The Administrator or the Administrator's designee shall have the authority to negotiate and approve a stipulated settlement at any time prior to review of a Proposed Order by the Board. If the parties stipulate to depart from the guidelines, the Administrator or the Administrator's designee shall consider the purpose and principles of the guidelines and may agree to sanctions that are proportionate to the seriousness of the violations.

(4) Departure from the guidelines shall also be allowed in issuance of a Proposed Order by an Administrative Law Judge and/or a Final Order by the Board upon a showing of substantial and compelling reason(s) for said departure. Substantial and compelling reason(s) shall be stated in the Proposed Order and/or Final Order.

(5) In the event of second or subsequent violations of ORS 674.140(2) and/or ORS 674.140(7), the Administrator shall not consider a prior Final Order that was issued more than five (5) years preceding the date of the second or subsequent notice of proposed sanctions.