

B-Engrossed
Senate Bill 485

Ordered by the House June 6
Including Senate Amendments dated April 14 and House Amendments
dated June 6

Sponsored by Senator BONAMICI (at the request of Jon and Lynn Putnam) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows Real Estate Agency to issue cease and desist order and maintain action for injunction against person who engages or is about to engage in professional real estate activity without license.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Real Estate Agency; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) If the Real Estate Agency has reason to believe that a person has en-**
5 **gaged, is engaging or is about to engage in a violation of ORS 696.020 (2) or 696.603 (1), the**
6 **agency may, subject to ORS chapter 183, issue an order directing the person to cease and**
7 **desist from the violation or threatened violation.**

8 **(2) A cease and desist order issued under subsection (1) of this section must include:**

9 **(a) A statement of the facts constituting the violation.**

10 **(b) A provision requiring the person named in the order to cease and desist from the vi-**
11 **olation.**

12 **(c) The effective date of the order.**

13 **(d) A notice to the person named in the order of the right to a contested case hearing**
14 **under ORS chapter 183.**

15 **(3) A cease and desist order issued under subsection (1) of this section becomes effective**
16 **30 days after the date of the order unless the person named in the order requests a hearing**
17 **on the order.**

18 **(4) A final cease and desist order issued under subsection (1) of this section may be re-**
19 **corded in the County Clerk Lien Record in the manner provided by ORS 205.125 and enforced**
20 **in the manner provided by ORS 205.126. After the order is recorded, and subject to any other**
21 **requirements that may apply to the enforcement remedy sought by the agency, the agency**
22 **may commence proceedings for the enforcement of the order in the same manner as pro-**
23 **vided for the enforcement of judgments issued by a court, including contempt proceedings.**

24 **(5) The Attorney General, the prosecuting attorney of any county or the agency, in its**
25 **own name, may maintain an action for an injunction in a court of competent jurisdiction**
26 **against a person violating ORS 696.020 (2), 696.511 (1) or 696.603 (1). An injunction may be**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 issued without proof of actual damage sustained by any person. An injunction does not re-
2 lieve a person from criminal prosecution for violation of this section or from any other civil,
3 criminal or disciplinary remedy.

4 SECTION 2. This 2011 Act being necessary for the immediate preservation of the public
5 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
6 on its passage.

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