

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER

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4
5 In the Matter of the Principal Broker's License
6 of
7
8 JUSTIN T. HARNISH
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10

STIPULATED FINAL ORDER

11 The Oregon Real Estate Agency (OREA) and Justin T. Harnish (Harnish) do hereby
12 agree and stipulate to the following:

13 FINDINGS OF FACT

14 Harnish was licensed as a Principal Broker with Harnish Properties LLC. Harnish's
15 license expired on March 1, 2013 and was not renewed until May 30, 2013. During the time
16 Harnish's license was expired, March 1, 2013 to May 29, 2013, 90 days, Harnish continued
17 conducting professional real estate activity as if actively licensed.

18 At the Settlement Conference, Harnish appeared by telephone and was represented by
19 Jon Harnish, Harnish Properties' in house attorney. Jon Harnish explained that Harnish had
20 completed the requisite education hours and logged into the eLicense system and thought he
21 had renewed his license. On Harnish's renewal application dated May 30, 2013, he wrote, "I
22 started my own agency in September of last year and during the process I was unaware of the
23 elicensing process and it got by me. I was aware that my license was valid through 2/28/2013,
24 but thought that by completing my hours etc that I was bringing it current."

25 Selina Barnes, OREA's Regulation Manager, asked Harnish if he received either of the
26 two email notifications sent to him by OREA. One email dated January 28, 2013, reminding
27 him it was time to renew his license and another on March 1, 2013, notifying him that his
28 license had expired and his license had been disassociated from the company. Harnish
29 responded by saying he didn't remember receiving them.

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1 Harnish alleges he did not intentionally continue real estate activity while knowing his
2 license was expired.

3 ~~Harnish's license was sanctioned June 16, 2005 for the same violation and paid a civil~~
4 ~~penalty of \$600.00.~~

5 CONCLUSION OF LAW

6 By conducting professional real estate activity over the course of 90 days after
7 Harnish's license expired and before renewing it, Harnish violated ORS 696.020(2) and is
8 subject to discipline or civil penalty pursuant to ORS 696.990(4) and (9).

9 STIPULATION & WAIVER

10 I have read and reviewed the above findings of fact and conclusions of law which have
11 been submitted to me by OREA and further, the order which follows hereafter. I understand
12 that the findings of fact, conclusions of law and this stipulation and waiver embody the full and
13 complete agreement and stipulation between OREA and me. I further understand that if I do
14 not agree with this stipulation I have the right to request a hearing on this matter and to be
15 represented by legal counsel at such a hearing. Hearings are conducted in accordance with
16 the procedures set forth in ORS Chapter 183 and in accordance with the Rules of Practice and
17 Procedure adopted by the Attorney General of the State of Oregon. I freely and voluntarily
18 waive my rights to a hearing, to representation by legal counsel at such a hearing, and to
19 judicial review of this matter.

20 I hereby agree and stipulate to the above findings of fact and conclusions of law and
21 understand that the order which follows hereafter may be completed and signed by the Real
22 Estate Commissioner or may be rejected by the Real Estate Commissioner, in which case an
23 amended notice of intent may be issued in this matter. I understand that, in accordance with
24 the provisions of ORS 696.445(3), notice of this order shall be published in the Oregon Real
25 Estate News Journal.

26 ORDER

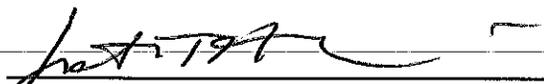
27 IT IS HEREBY ORDERED that pursuant to ORS 696.990(1) to (9) and based upon the
28 violation set forth above, Harnish pay a civil penalty in the sum of \$2,500.00, said penalty to be
29 paid to the General Fund of the State Treasury by paying the same to the OREA.

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1 The civil penalty is computed in accordance with ORS 696.990(4) and (9) in that each
2 30-day period of unlicensed activity is considered one violation. In this instance, there were
3 three 30-day periods of unlicensed activity.

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5 IT IS SO STIPULATED:

IT IS SO ORDERED:

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9 JUSTIN T. HARNISH

9 GENE BENTLEY
10 Real Estate Commissioner

11 Date 2/27/14

11 Date 3-10-14

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13 DATE of service: 3-10-2014