

1 REAL ESTATE AGENCY  
2 BEFORE THE REAL ESTATE COMMISSIONER  
3

4 In the Matter of the Real Estate Broker  
5 License of:

6  
7 GERARD FITZGERALD  
8

}  
} FINAL ORDER ON DEFAULT  
}

9 1.

10 1.1 On May 8, 2014, the Real Estate Commissioner issued, by certified mail, a notice  
11 of intent to suspend the real estate broker's license of Gerard Fitzgerald (Fitzgerald). The  
12 Oregon Real Estate Agency (OREA) sent the notice of intent to Fitzgerald's last known mailing  
13 address of record with OREA. The notice of intent was also mailed to Fitzgerald by regular  
14 first class mail to that address in a handwritten envelope.

15 1.2 The certified mailing was returned to OREA with postal notations "return to  
16 sender unclaimed" and "unable to forward." The mailing in the handwritten envelope was not  
17 returned.

18 1.3 Over twenty (20) days have elapsed since the mailing of the notice issued in this  
19 matter and no written request for hearing has been received.

20 1.4 Copies of the entire investigation file are designated as the record for purposes  
21 of default, including any submission from respondent and all information in the administrative  
22 file relating to the mailing of notices and any responses received.

23 2.

24 Based upon the foregoing and upon a review of the above described investigation  
25 reports, documents and files, the Real Estate Commissioner finds:

26 2.1 Oregon Administrative Rule 863-001-0006 states, in part, that a notice of intent is  
27 properly served when deposited in the United States mail, registered or certified mail,  
28 addressed to the real estate licensee or to any other person having an interest in a proceeding  
29 before the Commissioner at the licensee's or other person's last known address of record with  
30 OREA.



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 Fitzgerald's real estate broker license be suspended until such time as OREA receives a certificate issued by Revenue that Fitzgerald is in good standing with respect to any returns due and taxes payable to Revenue as of the date of the certificate.

Dated this 24<sup>th</sup> day of JUNE, 2014.

OREGON REAL ESTATE AGENCY

  
\_\_\_\_\_  
GENE BENTLEY  
Real Estate Commissioner

DATE of service: \_\_\_\_\_

NOTICE: 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 pursuant to the provisions of ORS 183.482.