

1 OREGON REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Unlicensed Professional)
5 Real Estate Activity of)

6)
7 TOM BLAND)
8 _____)

ORDER ON DEFAULT

9 1.

10 1.1 On September 13, 2012, the Real Estate Commissioner issued, by certified mail,
11 a notice of intent to levy civil penalty against Tom Bland (Bland). The Real Estate Agency
12 (OREA) sent the notice of intent to Bland's last known address of record with the OREA. The
13 notice of intent was also mailed to Bland by regular first class mail in a handwritten envelope.

14 1.2 The certified mailing was signed as received by Dana Bland on September 14,
15 2012. The first class mailing was not returned to OREA.

16 1.3 Over twenty (20) days have elapsed since the mailing of the notice issued in this
17 matter and no written request for hearing has been received.

18 1.4 Copies of the entire investigation file are designated as the record for purposes
19 of default, including any submission from respondent and all information in the administrative
20 file relating to the mailing of notices and any responses received.

21 2.

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

24 2.1 Oregon Administrative Rule 863-001-0006 states, in part, that a notice of intent is
25 properly served when deposited in the United States mail, registered or certified mail,
26 addressed to the real estate licensee or to any other person having an interest in a proceeding
27 before the Commissioner at the licensee's or other person's last known address of record with
28 OREA.

29 2.2 Bland's last known address of record with OREA was PO Box 861, Coos Bay,
30 Oregon, 97420.

1 2.3 A certified mailing of the notice of intent was mailed to Bland at his last known
2 address of record on September 13, 2012. It was signed as received by Dana Bland on
3 September 14, 2012.

4 2.4 The mailing in the handwritten envelope has not been returned to OREA. In
5 accordance with ORS 40.135(1)(q), there is a presumption that the mailing properly addressed
6 and placed with the U.S. Postal Service was delivered. That presumption has not been
7 overcome by any evidence.

8 2.5 Over twenty (20) days have elapsed since the mailing of the notice and no
9 written request for a hearing has been received.

10 FINDINGS OF FACT

11 AND

12 CONCLUSIONS OF LAW

13 3.

14 3.1 On December 27, 2010, OREA received a complaint from Ray Penny (Penny)
15 alleging that Bland was conducting unlicensed real estate activity under the business name of
16 Realty Plus LLC. The subsequent investigation found the following violations.

17 3.2 Bland had ownership interest in Realty Plus LLC, and he was controlling the
18 professional real estate activity of the licensees associated with Realty Plus LLC.

19 3.3 On October 17, 2010, Bland placed directional signs to an open house and an
20 open house sign with his phone number in the yard of an open house at 2695 Cedar St., North
21 Bend, Oregon.

22 3.4 Bland advertised the property located at 2695 Cedar St., North Bend, Oregon, for
23 sale in newspapers and on the website *NameYourOfferNow.com*, but did not own the property.

24 3.5 Bland placed his name and phone number in the Multiple Listing Service as the
25 owner and contact person of the property located at 2695 Cedar St., North Bend, Oregon.

26 3.6 Bland assisted with negotiations and completed the Sales Agreement for the
27 property located at 2695 Cedar St., North Bend, Oregon, between David and Eileen Farran
28 and Jason Gallic.

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1 3.7 Bland negotiated real estate listings and/or Sales Agreements with property
2 owners and potential buyers on at least 12 properties located in Eugene, North Bend, Coquille,
3 Coos Bay and Bandon, Oregon.


4 **Violations:** ORS 696.020(2), which states that an individual may not engage in
5 professional real estate activity within this state unless the individual holds an active license.

6 ORDER

7 IT IS HEREBY ORDERED that, pursuant to ORS 696.990 and based upon the
8 violations set forth above, Bland pay a civil penalty in the sum of \$11,500, said penalty to be
9 paid to the General Fund of the State Treasury by paying the same to OREA.

10
11 Dated this 8th day of October, 2012.

12
13 OREGON REAL ESTATE AGENCY

14
15 
16 _____
17 GENE BENTLEY
18 Real Estate Commissioner

19
20 DATE of service: 10-8-12

21
22 NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by
23 filing a petition for review within 60 days from the date of service of this order. Judicial review
24 is pursuant to the provisions of ORS 183.482.