

1 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 ALLAN CARMODY)
8 _____)

STIPULATED FINAL ORDER

9
10 The Real Estate Agency (OREA) and Allan Carmody (Carmody) do hereby agree and
11 stipulate to the following:

12 FINDINGS OF FACT
13 CONCLUSION OF LAW

14 1.

15 1.1 At all times mentioned herein, Carmody was not licensed to conduct professional
16 real estate activity in Oregon.

17 1.2 On November 12, 2010, OREA received a complaint regarding unlicensed
18 individuals advertising real estate for sale. The complaint was filed by Ronald Spagle
19 (Spagle), principal broker with City Realty Company. Spagle alleged that Carmody was
20 advertising real estate for sale through Sunbelt Business Brokers (Sunbelt). Sunbelt is a
21 Registered Business Name with OREA. Patricia Lawrence (Lawrence) is a principal broker
22 with Sunbelt.

23 1.3 Carmody stated that he worked for Sunbelt for the past four years. Carmody
24 stated that he took listing information off of the Sunbelt website and personally placed the
25 information on Craigslist. Carmody stated that he advertised Subway, Moles Appliance and
26 Amity Winery on Craigslist. Each of these businesses included real property for sale.

27 1.4 Carmody also advertised PirateMerch.com for sale on the Sunbelt website. On
28 the property profile under lease information, the rent shows as \$1,400, with options to renew
29 negotiable.

30 ///

1 **Violation:** By advertising Subway, Moles Appliance and Amity Winery on Craigslist and
2 PirateMerch.com on the Sunbelt website, without first obtaining a real estate license, Carmody
3 violated ORS 696.020(2) and is subject to sanction pursuant to ORS 696.301(3).

4 STIPULATION & WAIVER

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

15 I hereby agree and stipulate to the above findings of fact and conclusions of law and
16 understand that the order which follows hereafter may be completed and signed by the Real
17 Estate Commissioner or may be rejected by the Real Estate Commissioner, in which case an
18 amended notice of intent may be issued in this matter.

19 ORDER

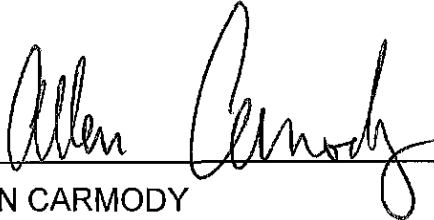
20 IT IS HEREBY ORDERED that, pursuant to ORS 696.990 and based upon the violation
21 set forth above, Carmody pay a civil penalty in the sum of \$100, if Carmody obtains a real
22 estate license within six (6) months from the date of this order. The \$100 civil penalty will be
23 due and payable before Carmody obtains his real estate license.

24 IT IS FURTHER ORDERED that, should Carmody fail to obtain his real estate license
25 within six (6) months from the date of this order, the civil penalty shall be \$1,600. The \$1,600
26 civil penalty will be due and payable no later than six (6) months from the date of this order.

27 ///
28 ///
29 ///
30 ///

1 Said penalty is to be paid to the General Fund of the State Treasury by paying the same
2 to OREA.

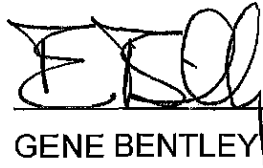
3
4 IT IS SO STIPULATED:

5
6 
7 _____

8 ALLAN CARMODY

9
10 Date 3-1-12

IT IS SO ORDERED:

11
12 
13 _____

14 GENE BENTLEY

15 Real Estate Commissioner

16 Date 3-20-12

17
18 DATE of service: 3-21-12