

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 JEFF M DIVERS)
8 _____)

STIPULATED FINAL ORDER

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

12 FINDINGS OF FACT

13 1.

14 1.1 At all times mentioned herein, Divers was not licensed to conduct professional
15 real estate activity in Oregon.

16 1.2 On July 25, 2011, OREA received a complaint from Jeff and Jackie DeClue
17 (DeClues) that Divers had been conducting real estate activity without a license. The DeClues
18 also stated that Divers had acted on their behalf as a property manager to find a renter for their
19 home located at 8709 N Dana Street, Portland, Oregon, (subject property) and subsequently
20 sold the house to someone else without their knowledge.

21 1.3 On September 1, 2009, the DeClues signed an Agreement to Lease with Option
22 to Purchase with Divers for property he owned in Toledo, Oregon. Divers told the DeClues
23 that he would find a renter for their property in Portland, but they did not enter into a written
24 property management agreement.

25 1.4 On September 15, 2009, Divers prepared a sales agreement for the subject
26 property between Vivid Properties and the DeClues for \$175,000. This agreement was not
27 signed by the DeClues.

28 1.5 On October 13, 2009, Divers entered into a Real Estate Sales Contract for the
29 subject property for \$185,000 with the seller listed as Vivid Properties, LLC and the buyer as
30 Alan Lindgren (Lindgren). Divers owns 50% of Vivid Properties. This contract showed that

1 Lindgren paid Divers a \$10,000 down payment with monthly payments to Vivid Properties of
2 \$1,300.

3 1.6 Divers also prepared a month to month rental agreement for the subject property
4 between the DeClues and Lindgren, which Lindgren says he never signed.

5 1.7 From 2009 until approximately March of 2011, Lindgren was paying Divers
6 \$1,300 per month for the subject property and the DeClues were paying Divers \$650 per
7 month for the rental of the Toledo house. During this period of time, the DeClues were under
8 the impression that Lindgren was a renter of the subject property. Lindgren was under the
9 impression that Divers was the owner of the subject property and that he was purchasing the
10 home from Divers.

11 CONCLUSIONS OF LAW

12 2.

13 Divers advertised a property which he did not own for sale, entered into a sales
14 agreement for a property he did not own, and prepared and signed a sales agreement and a
15 rental contract for property he did not own.

16 **Violation:** ORS 696.020(2) (2009 Edition), which states that an individual may not
17 engage in professional real estate activity within this state unless the individual holds an active
18 license

19 STIPULATION & WAIVER

20 I have read and reviewed the above findings of fact and conclusions of law which have
21 been submitted to me by OREA and further, the order which follows hereafter. I understand
22 that the findings of fact, conclusions of law and this stipulation and waiver embody the full and
23 complete agreement and stipulation between OREA and me. I further understand that if I do
24 not agree with this stipulation I have the right to request a hearing on this matter and to be
25 represented by legal counsel at such a hearing. Hearings are conducted in accordance with
26 the procedures set forth in ORS Chapter 183 and in accordance with the Rules of Practice and
27 Procedure adopted by the Attorney General of the State of Oregon. I freely and voluntarily
28 waive my rights to a hearing, to representation by legal counsel at such a hearing, and to
29 judicial review of this matter.

30 ///

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

5 ORDER


6 IT IS HEREBY ORDERED that, pursuant to ORS 696.990 and based upon the violation
7 set forth above, Divers pay a civil penalty in the sum of \$2,500, said penalty to be paid to the
8 General Fund of the State Treasury by paying the same to OREA.

9 IT IS FURTHER ORDERED that Divers will immediately cease and desist from
10 engaging in any professional real estate activity as defined in ORS 696.010(15(a) to (n) unless
11 Divers first obtains a real estate license from the Real Estate Agency.

12
13 IT IS SO STIPULATED:

IT IS SO ORDERED:

14
15 
16 _____
17 JEFF M. DIVERS

18 
19 _____
20 GENE BENTLEY
21 Real Estate Commissioner

22 Date 8/27/12

23 Date 9.4.12

24 DATE of service: 9-5-12