# REAL ESTATE AGENCY BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of	}
BRYAN KIM PALIGO	} } STIPULATED FINAL ORDER }
	}

The Real Estate Agency (OREA) and Bryan Kim Paligo (Paligo) do hereby agree and stipulate to the following:

### FINDINGS OF FACT

1.

1.1 Prior to April 1, 2009, Paligo was licensed as a property manager with Aspen Property Management Company. Paligo's license was suspended from October 14, 2009-February 14, 2010 for non-compliance issues with his clients' trust accounts. Paligo's license expired on March 31, 2009 and was never renewed. During the time since Paligo's license expired and during his suspension, Paligo continued conducting professional real estate activity, by managing 10 properties, as if actively licensed.

#### CONCLUSION OF LAW

2.

- 2.1 Paligo violated ORS 696.020(2) (2009 Edition) by managing 10 properties after his license expired and during his suspension and is subject to discipline and/or civil penalty pursuant to ORS 696.990(4) (2009 Edition).
- 2.2 ORS 696.301(13) (2009 Edition) allows OREA to discipline a licensee if they have violated a term, condition, restriction or limitation contained in an order issued by the commissioner.
- 2.2 ORS 696.396(2)(c)(C) (2009 Edition) allows OREA to discipline a licensee if they exhibit dishonesty or fraudulent conduct.

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2.3 Pursuant to ORS 696.775 (2009 Edition), the expiration of Paligo's license does not prohibit the Commissioner from taking administrative action against Paligo.

## STIPULATION & WAIVER

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

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

I further agree that I will immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(15)(a) to (n) unless I first obtain a real estate license from the Real Estate Agency. If I fail to abide by this agreement I will be subject to additional civil penalties and other remedies allowed by law.

#### ORDER

IT IS HEREBY ORDERED that pursuant to ORS 696.990(1) to (9) and based upon the violation set forth above. Paligo pay a civil penalty in the sum of \$9,500, said penalty to be paid to the General Fund of the State Treasury by paying the same to the OREA. The civil penalty is computed in accordance with ORS 696.990(4) in that each of the 10 properties managed is considered one violation.

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

ADDITIONALLY, IT IS ORDERED that Paligo's license be revoked, effective the date of this order.

IT IS SO STIPULATED:

IT IS SO ORDERED:

**BRIAN KIM PALIGO** 

Date 7/9/2012

GENE BENTLEY

Real Estate Commissioner

Date 7.12.12