

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 TROY DAY )  
8 \_\_\_\_\_ )

ORDER ON DEFAULT AND ORDER TO  
CEASE AND DESIST

9 1.

10 1.1 On September 23, 2013, the Real Estate Commissioner issued, by certified mail,  
11 a notice of intent to levy civil penalty against Troy Day (Day). The Oregon Real Estate Agency  
12 (OREA) sent the notice of intent to Day's last known address of record with the OREA. The  
13 notice of intent was also mailed to Day by regular first class mail in a handwritten envelope.

14 1.2 The certified mailing was returned to the OREA as "Not Deliverable as  
15 Addressed, Unable to Forward." The first class mailing was not returned to the 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 Day's last known address of record with OREA was 6161 Childs Rd, Lake  
30 Oswego, OR 97035.



1 qualifications and creditworthiness of the tenants.

2 3.8 In February 2012, Day signed a lease agreement with tenants procured for  
3 15540 SW Village Ct, Beaverton, OR, property owned by Gospondinovic. Day also checked  
4 the qualifications and creditworthiness of the tenants.

5 **Violation:** By advertising properties for lease, screening tenants, and signing lease  
6 agreements without a license, Day engaged in the management of rental real estate activity as  
7 described in ORS 696.010(11), which is a violation of ORS 696.020(2) (2011 Edition).


8 ORDER

9 IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Day immediately cease and  
10 desist from engaging in any management of rental real estate as defined in ORS 696.010(11)  
11 unless Day first obtains a license from the OREA to perform management of rental real estate.  
12 The Commissioner's authority for this order is under ORS 696.397.

13 In addition, pursuant to ORS 696.990, and based upon the violation set forth above,  
14 Day, pay a civil penalty in the sum of \$3,500.00, said penalty be paid to the General Fund of  
15 the State Treasury by paying the same to the OREA.

16  
17 Dated this 31<sup>st</sup> day of October, 2013.

18  
19 OREGON REAL ESTATE AGENCY

20  
21 

22 \_\_\_\_\_  
23 GENE BENTLEY

24 Real Estate Commissioner

25  
26 DATE of service: 11-1-2013

27  
28 NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by  
29 filing a petition for review within 60 days from the date of service of this order. Judicial review  
30 is pursuant to the provisions of ORS 183.482.