

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate License of)
5)
6 MICHAEL T. MALEPSY) STIPULATED FINAL ORDER
7)
8)
9

10 The Oregon Real Estate Agency (OREA) and Michael T. Malepsy (Malepsy) do hereby
11 agree and stipulate to the following:

12 FINDINGS OF FACT
13 AND
14 CONCLUSIONS OF LAW

15 1.

16 1.1 At all times mentioned herein, Malepsy was licensed as a principal broker doing
17 business under the registered business name of Windermere Trails End Real Estate LLC.

18 1.2 On May 30, 2013, OREA received a complaint from Paul Horvath (Horvath)
19 alleging that Malepsy advertised a lot as being located in a "private gated community" when in
20 fact there were no gates. During the course of the subsequent investigation the following
21 violation was found.

22 1.3 Malepsy advertised a lot on MLS. In the listing the lot was represented as a
23 "private gated community." The subdivision currently does not have any gates and there are
24 no plans to install gates in the future.

25 **Violation:** ORS 696.301(4) (2011 Edition) which states that a licensee may be
26 disciplined if they have recklessly published materially misleading or untruthful advertising.

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1 STIPULATION & WAIVER

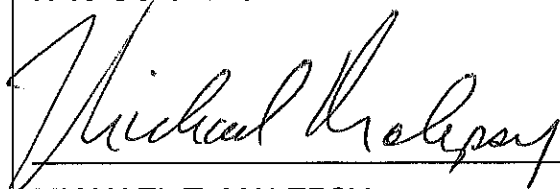
2 I have read and reviewed the above findings of fact and conclusions of law which have
3 been submitted to me by OREA and further, the order which follows hereafter. I understand
4 that the findings of fact, conclusions of law and this stipulation and waiver embody the full and
5 complete agreement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

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

18 ORDER

19 IT IS HEREBY ORDERED that Malepsy's real estate license be, and hereby is
20 reprimanded.

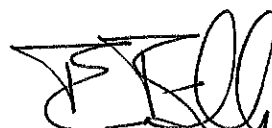
21
22 IT IS SO STIPULATED:

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26 MICHAEL T. MALEPSY

27 Date 9/14/13

IT IS SO ORDERED:

28 

29 GENE BENTLEY

Real Estate Commissioner

30 Date 9.23.13

DATE of service: 9-23-2013