REAL ESTATE AGENCY BEFORE THE REAL ESTATE COMMISSIONER In the Matter of the Real Estate License of MICHAEL T. MALEPSY The Oregon Real Estate Agency (OREA) and Michael T. Malepsy (Malepsy agree and stipulate to the following: FINDINGS OF FACT AND CONCLUSIONS OF LAW 1. 1.1 At all times mentioned herein, Malepsy was licensed as a principal b business under the registered business name of Windermere Trails End Real Estate 1.2 On May 30, 2013, OREA received a complaint from Paul Horvath (H alleging that Malepsy advertised a lot as being located in a "private gated communifact there were no gates. During the course of the subsequent investigation the for violation was found. 1.3 Malepsy advertised a lot on MLS. In the listing the lot was represent "private gated community." The subdivision currently does not have any gates and no plans to install gates in the future. Violation: ORS 696.301(4) (2011 Edition) which states that a licensee may disciplined if they have recklessly published materially misleading or untruthful adverse in the future. Violation: ORS 696.301(4) (2011 Edition) which states that a licensee may disciplined if they have recklessly published materially misleading or untruthful adverse in the future.				
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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 iudicial 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.

ORDER

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

IT IS SO/STIPULATED:

MICHAEL T. MALEPSY

IT IS SO ORDERED:

GENE BENTLEY

Real Estate Commissioner

Date 9.23.13

DATE of service: 9-23-2013