

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) AMENDED ORDER ON DEFAULT
7 JANET E MYERS)
8 _____)

9 1.

10 1.1 On June 14, 2013, the Real Estate Commissioner issued, by certified mail, a
11 notice of intent to levy civil penalty against Janet E Myers (Myers). The Oregon Real Estate
12 Agency (OREA) sent the notice of intent to Myers' last known address of record with the
13 OREA. The notice of intent was also mailed to Myers by regular first class mail in a
14 handwritten envelope.

15 1.2 The certified mailing was returned to the OREA. The first class mailing was not
16 returned to the OREA.

17 1.3 Over twenty (20) days have elapsed since the mailing of the notice issued in this
18 matter and no written request for hearing has been received.

19 1.4 Copies of the entire investigation file are designated as the record for purposes
20 of default, including any submission from respondent and all information in the administrative
21 file relating to the mailing of notices and any responses received.

22 2.

23 Based upon the foregoing and upon a review of the above described investigation
24 reports, documents and files, the Real Estate Commissioner finds:

25 2.1 Oregon Administrative Rule 863-001-0006 states, in part, that a notice of intent is
26 properly served when deposited in the United States mail, registered or certified mail,
27 addressed to the real estate licensee or to any other person having an interest in a proceeding
28 before the Commissioner at the licensee's or other person's last known address of record with
29 OREA.

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23 Based upon the foregoing and upon a review of the above described investigation
24 reports, documents and files, the Real Estate Commissioner finds:

25 2.1 Myers' last known address of record with OREA was PO Box 56696, Portland,
26 OR 97238.

27 2.2 A certified mailing of the notice of intent was mailed to Myers at her last known
28 address of record on June 14, 2013.

29 2.3 The mailing in the handwritten envelope has not been returned to OREA. In
30 accordance with ORS 40.135(1)(q), there is a presumption that the mailing properly addressed

1 and placed with the U.S. Postal Service was delivered. That presumption has not been
2 overcome by any evidence.

3 2.4 Over twenty (20) days have elapsed since the mailing of the notice and no
4 written request for a hearing has been received.

5 FINDINGS OF FACT
6 AND
7 CONCLUSIONS OF LAW

8 3.

9 3.1 On December 5, 2012, OREA received a complaint from Dorcie Rice (Rice),
10 alleging that Myers was conducting management of rental real estate without a license. The
11 subsequent investigation found the following violations.

12 3.2 Rice signed a property management agreement with Myers Property
13 Management, Inc. to manage Rice's property located at 200 SW Florence Avenue #A-6,
14 Gresham, Oregon on October 26, 2011.

15 3.3 On May 31, 2012, Myers' property manager license expired and Myers continued
16 to manage Rice's property through October 2012.

17 3.4 The Myers Property Management, Inc. office, located at 14234 SE Stark Street,
18 Suite 100, Portland, Oregon, remained open to the public until at least April 3, 2013.

19 3.5 The advertisement on the Myers Property Management, Inc. website, dated April
20 12, 2013, noted current listings of rental properties.

21 3.6 The April 15, 2013, advertisement, on the Myers Property Management, Inc.
22 website, listed Rick Wood (Wood) as the contact for property maintenance requests. On April
23 15, 2013, Wood acknowledged that he was doing property maintenance on properties that
24 Myers was managing.

25 **Violation:** By continuing to represent owners of real estate in a rental or lease of the
26 real estate, advertising property for rent to procure tenants and having the Myers Property
27 Management, Inc. office open to the public after Myers' property manager license expired,
28 Myers engaged in the management of rental real estate as described in ORS 696.010(11),
29 which is a violation of ORS 696.020(2) (2011 & 2013 Editions).

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ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Myers immediately cease and desist from engaging in any management of rental real estate as defined in ORS 696.010(11) unless Myers first obtains a license from the OREA to perform management of rental real estate. In addition, pursuant to ORS 696.990 and based upon the violation set forth above, Myers, pay a civil penalty in the sum of \$9,500.00, said penalty be paid to the General Fund of the State Treasury by paying the same to the OREA.

Dated this 9th day of SEPTEMBER, 2013.

OREGON REAL ESTATE AGENCY



GENE BENTLEY
Real Estate Commissioner

DATE of service: 9-10-2013

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