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	STIPULATED FINAL ORDER	
7	CINDY BENNETT (
8		
9		
10	The Oregon Real Estate Agency (OREA) and Cindy Bennett (Bennett) do hereby agree	
11	and stipulate to the following:	
12	FINDINGS OF FACT	
13	&	
14	CONCLUSIONS OF LAW	
15	1.	
16	1.1 At all times mentioned herein, Bennett was not licensed to conduct professional	
17	real estate activity in Oregon.	
18	1.2 On November 18, 2014, OREA received a complaint from Marc Buren and Kim	
19	, , , , , , , , , , , , , , , , , , ,	
20	property management activity.	
21	1.3 Bennett was introduced to Buren and Shook through her sister, Judy who worked	
22	, , , , , , , , , , , , , , , , , , , ,	
23	, , , , ,	
24	(subject property). The agreement was verbal and no property management agreement was	
25	signed.	
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27	///	
28	<i> </i>	
29	$^{\prime\prime\prime\prime}$.	
30	///	

1 of 3 - Stipulated Final Order- Cindy Bennett

- 1.4 On April 15, 2011, Bennett signed a rental agreement with Aaron and Vicki Nelsons (Nelsons). The Nelsons agreed to pay \$825.00 monthly rent, an \$825.00 security deposit and a \$500.00 non-refundable pet deposit. The tenants would physically deliver their rent payments to Bennett's daycare center. Staff would accept the payments and provide receipts to the tenants. The funds were deposited into Bennett's account and she then would cut checks to Shook.
- 1.5 In reviewing receipts given to the tenants and checks written to Buren and Shook, it was apparent that Bennett was withholding \$50.00 per month as compensation for her services.
 - 1.6 Bennett managed the subject property until September 2013.

Violation: By engaging in the management of rental real estate for Buren and Shook from April 2011 until September 2013, Bennett violated ORS 696.020(2) (2011 and 2013 Editions) which states an individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state unless the individual holds an active license.

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.

IT IS SO STIPULATED:

ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Bennett immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(14)(a) to (n) (2013 Edition) unless Bennett first obtains a real estate license from the OREA. The Commissioner's authority for this order is under ORS 696.397.

IT IS FURTHER ORDERED that pursuant to ORS 696.990 and based upon the violation set forth above, Bennett pay a civil penalty in the sum of \$500.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to OREA.

IT IS SO ORDERED:

Cindy Bernett	FILL
CINDY BENNETT	GENE BENTLEY
Date 7/25/14	Real Estate Commissioner
Date	Date <u>8.7.14</u>

DATE of service: 8-3-2014