

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Unlicensed Professional)
5 Real Estate Acitivity of)
6)
7 TERESA MARQUEZ)
8 _____)

ORDER ON DEFAULT

9 1.

10 1.1 On September 4, 2014, the Real Estate Commissioner issued, by certified mail, a
11 notice of intent to levy civil penalty against Teresa Marquez (Marquez). The Real Estate
12 Agency (OREA) sent the notice of intent to Marquez's last known address of record with the
13 OREA. The notice of intent was also mailed to Marquez by regular first class mail in a
14 handwritten envelope.

15 1.2 On September 4, 2014, the notice of intent was sent to the following possible
16 addresses for Marquez: a) 727 NW 28th St, Redmond, OR 97756; b) 3435 SW Lava Ave,
17 Redmond, OR 97756; c) 1354 NE 5th St, Redmond, OR 97756; and d) 1881 SW 1st St,
18 Redmond, OR 97756.

19 1.3 These mailings were all sent both certified and regular first class mail in a
20 handwritten envelope.

21 1.4 On September 15, 2014, the certified mailing and regular first class mailing to
22 727 NW 28th St. Redmond, OR 97756 were returned to OREA as "Not Deliverable as
23 Addressed Unable to Forward."

24 1.5 On September 26, 2014, the certified mailing for 3435 SW Lava Ave, Redmond,
25 OR 97756 was returned to OREA as "Unclaimed Unable to Forward." On September 12,
26 2014, the regular first class mailing for 3435 SW Lava Ave, Redmond, OR 97756 was returned
27 to OREA with "Not Here" written on the envelope.

28 1.6 On September 12, 2014, the certified mailing for 1354 NE 5th St, Redmond, OR
29 97756 was returned to OREA as "Attempted- Not known Unable to Forward." The first class
30 mailing was not returned to OREA.

1 2.5 Over twenty (20) days have elapsed since the mailing of the notice and no
2 written request for a hearing has been received.

3 FINDINGS OF FACT
4 &
5 CONCLUSIONS OF LAW

6 3.

7 3.1 On June 21, 2013, OREA received a complaint from Mary Beth Brennan
8 (Brennan) against Michael (Miguel) Segoviano (Segoviano). Brennan alleged that Segoviano
9 was using unlicensed staff or family members to conduct professional real estate activity.

10 3.2 On August 22, 2013, OREA opened an investigation on Segoviano. During the
11 investigation the focus shifted to Teresa Marquez for unlicensed property management
12 activity.

13 3.3 For the investigation, Brennan supplied copies of eight tenant leases for the Buff
14 apartment complex located at 165 SE Buff St. Madras, OR 97741 (subject property) claiming
15 that Marquez or Daisy Marquez (daughter of Marquez) had signed them using the initials
16 “TMD” as property manager under the name “TMD Properties.” In his interview Segoviano first
17 stated that he had signed the leases but later acknowledged that the “two girls had helped.”
18 Later, Segoviano told the OREA staff that Marquez was the person responsible for the leases
19 at question.

20 3.4 A “Collection of Rents Agreement” was submitted to OREA by Segoviano. The
21 agreement was between Karoma Properties and TMD Properties LLC. This agreement refers
22 to TMD Properties LLC managing the subject property in exchange for 5% of rent collected.
23 This agreement was signed with the initials “TMD.” The agreement stated, “The term of this
24 agreement shall begin January 1, 2013 and end on December 31, 2013.”

25 3.5 Karoma Properties LLC (Karoma Properties) bought the subject property on
26 October 9, 2012 and sold the subject property on June 20, 2013.

27 3.6 The Secretary of State website shows Segoviano as the member and agent for
28 Karoma Properties.

29 3.7 The Articles of Association for TMD Property Management LLC showed Marquez
30 as the member/manager and organizer.

1 3.8 Marquez's company, TMD Property Management LLC wrote leases for tenants at
2 the subject property. The leases were dated during the period from August 22, 2012 to June
3 1, 2013.

4 3.9 Information regarding the specific leases is as follows:

- 5 • Unit #1 lease signed 3/18/2013, "TMD properties" is listed as landlord and the
6 landlord signature is "TMD."
- 7 • Unit #2 lease signed 10/27/2012, "TMD Property Management" is listed as
8 landlord and the landlord signature is "TMD."
- 9 • Unit #4, lease signed 10/11/2012, "TMD Property Management" is listed as
10 landlord and the landlord signature is "TMD."
- 11 • Unit #5, lease signed 10/11/2012, "TMD Property Management" is listed as
12 landlord and the landlord signature is "TMD."
- 13 • Unit #6, lease signed 5/1/2013, "Karoma Properties" is listed as landlord and
14 the landlord signature is "TMD."
- 15 • Unit #7, lease signed 4/1/2013, "Karoma Properties" is listed as landlord and
16 the landlord signature is "TMD."
- 17 • Unit #8, lease signed 8/22/2012 "TMD Property Management" is listed as
18 landlord and the landlord signature is "TMD Property Management."
- 19 • Unit #9, lease signed 3/31/2013 "TMD Properties" listed as landlord and the
20 landlord signature is "TMD."

21 3.10 The signature for the landlord was the initials "TMD," except for unit #8 which had
22 the signature "TMD property management." No personal names were used for the signatures.

23 3.11 No licensing record of TMD Properties, TMD Property Management or Karoma
24 Properties exists at OREA.

25 3.12 On June 24, 2014, an Oregon Judicial Information Network (OJIN) search found
26 a case involving the subject property where Marquez was listed in the "Register of Actions."
27 Marquez was listed as the plaintiff in a landlord/tenant case against Victoria Muldkew, tenant of
28 the subject property.

29 3.13 The above complaint was filed on December 27, 2012 and mediation took place
30 on January 8, 2013. A stipulated order was signed on January 8, 2013.

1 **Violation:** By signing lease agreements with tenants and receiving compensation
2 without a real estate license, Marquez engaged in the management of real estate activity as
3 described in ORS 696.010(11), which is a violation of ORS 696.301(3) as it incorporates ORS
4 696.020(2) (2011 and 2013 Edition).

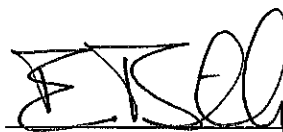
5 ORDER

6 IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Marquez immediately cease
7 and desist from engaging in any professional real estate activity as defined in ORS
8 696.010(14)(a) to (n) (2013 Edition) unless Marquez first obtains a real estate license from
9 OREA. The Commissioner's authority for this order is under ORS 696.397.

10 IT IS FURTHER ORDERED, pursuant to ORS 696.990 and based upon the violation
11 set forth above, Marquez pay a civil penalty in the sum of \$4,500, said penalty to be paid to the
12 General Fund of the State Treasury by paying the same to OREA. The dates of unlicensed
13 activity were from January 1, 2013 through June 20, 2013, for a total 171 days. Each month of
14 unlicensed activity is considered a violation. In this instance there were five months of
15 unlicensed activity.

16
17 Dated this 13th day of NOVEMBER, 2014.

18
19 OREGON REAL ESTATE AGENCY

20
21 

22
23 GENE BENTLEY

24 Real Estate Commissioner

25
26 DATE of service: 11-13-2014

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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.