

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)
7 MATTHEW PORTER)
8 _____)

STIPULATED FINAL ORDER

9
10 The Oregon Real Estate Agency (OREA) and Matthew Porter (Porter) 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, Porter was not licensed to conduct professional
17 real estate activity in Oregon.

18 1.2 On August 23, 2013, OREA received a complaint from Julie Brusch (Julie)
19 alleging that Matthew Porter (Porter) was conducting unlicensed property management
20 activity.

21 1.3 James Brusch (James) had purchased the subject property, 16025 S. Forest
22 Haven Rd., Molalla, OR 97038 in 2002. James and Julie were married in 2006 and divorced in
23 2010. Per the divorce judgment, the property was to be sold with Julie and James sharing the
24 proceeds equally. Julie and James decided to rent the property until market conditions
25 improved.

26 1.4 Julie performed an online search for property management in Molalla and found
27 Porter Property Management (PPM).

28 1.5 The property management agreement was dated January 2, 2011, and was
29 signed by James and Porter. Julie did not sign the management agreement.

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1 1.6 Per the property management agreement, Porter charged a \$300.00 renter setup
2 fee and a monthly 10% management fee. Repair and maintenance would be in addition to the
3 monthly management fee.

4 1.7 When OREA investigator, Meghan Lewis, interviewed Porter he explained that
5 he was not aware he needed a license to manage other's property. He indicated he had
6 managed his own property for about forty years and established PPM in 2007 for his personal
7 property management needs.

8 1.8 Porter said he owned multiple apartments and single-family homes and planned
9 to manage property for others when he retires. He claimed this was the only property he
10 managed for another. He managed the subject property from January 2011 to August 2013,
11 approximately 32 months.

12 1.9 Porter is no longer managing the property and has filed an application for his
13 property manager license on August 10, 2013 with the OREA.

14 **Violation:** By engaging in the management of rental real estate without a license,
15 Porter violated ORS 696.020(2) (2011 and 2013 Editions), which states an individual may not
16 engage in, carry on, advertise, or purport to engage in or carry on professional real estate
17 activity, or act in the capacity of a real estate licensee, within this state unless the individual
18 holds an active license.

19 1.10 On January 9, 2014, a settlement letter was mailed out to Porter. OREA did not
20 receive a response from Porter regarding the letter.

21 1.11 On April 4, 2014, OREA issued a Notice of Intent to Levy Civil Penalty.

22 1.12 On April 22, 2014, OREA received letter from Porter asking for a reassessment
23 relating to the pending action on the case.

24 1.13 On May 7, 2014, a settlement conference was held with Porter at OREA.

25 STIPULATION & WAIVER

26 I have read and reviewed the above findings of fact and conclusions of law which have
27 been submitted to me by OREA and further, the order which follows hereafter. I understand
28 that the findings of fact, conclusions of law and this stipulation and waiver embody the full and
29 complete agreement and stipulation between OREA and me. I further understand that if I do
30 not agree with this stipulation I have the right to request a hearing on this matter and to be

1 represented by legal counsel at such a hearing. Hearings are conducted in accordance with
2 the procedures set forth in ORS Chapter 183 and in accordance with the Rules of Practice and
3 Procedure adopted by the Attorney General of the State of Oregon. I freely and voluntarily
4 waive my rights to a hearing, to representation by legal counsel at such a hearing, and to
5 judicial review of this matter.

6 I hereby agree and stipulate to the above findings of fact and conclusions of law and
7 understand that the order which follows hereafter may be completed and signed by the Real
8 Estate Commissioner or may be rejected by the Real Estate Commissioner, in which case an
9 amended notice of intent may be issued in this matter.


10 ORDER

11 IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Porter immediately cease
12 and desist from engaging in any professional real estate activity as defined in ORS
13 696.010(14)(a) to (n) (2013 Edition) unless Porter first obtains a real estate license from the
14 OREA. The Commissioner's authority for this order is under ORS 696.397.

15 In addition, pursuant to ORS 696.990 and based upon the violation set forth above,
16 Porter pay a civil penalty in the sum of \$250.00, said penalty to be paid to the General Fund of
17 the State Treasury by paying the same to OREA.

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20 IT IS SO STIPULATED:

IT IS SO ORDERED:

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24 MATTHEW PORTER

25 GENE BENTLEY
26 Real Estate Commissioner

27 Date 1-June-2014

28 Date 6-10-14

29 DATE of service: 6-10-2014