1 REAL ESTATE AGENCY 2 BEFORE THE REAL ESTATE COMMISSIONER 3 In the Matter of the Unlicensed Professional 4 5 Real Estate Activity of 6 STIPULATED FINAL ORDER 7 JAY RYMESKI 8 9 10 The Oregon Real Estate Agency (OREA) and Jay Rymeski (Rymeski) 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, Rymeski was not licensed to conduct professional 17 real estate activity in Oregon. 18 1.2 On April 28, 2014, OREA received a complaint from Eric Geislinger (Geislinger) 19 against Rymeski alleging that Rymeski had engaged in professional real estate activity without 20 holding a real estate license. 21 1.3 In January 2010, Geislinger and his wife moved to Arizona. They considered 22 selling their home at 1402 SW Upland Drive, Portland OR (subject property) but felt that the 23 real estate market was weak and that they would do better to hold off on selling. The 24 Geislingers chose to rent the subject property. Rymeski owned his own rental properties and 25 was a neighbor to the Geislingers. 26 1.4 In October 2010, Rymeski and Geislinger executed their first property 27 management agreement on the subject property. The contract stated that Rymeski was to be 28 compensated for \$100.00 for setting up new tenants and then half of the first month's rent 29 followed by 7% of gross monthly rents. 30 III

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III

- 1.5 Rymeski placed tenants in the subject property and on October 8, 2010 he signed a tenant lease agreement with the tenants.
- 1.6 In November 2011, Rymeski signed a second tenant lease agreement with new tenants on the subject property.
- 1.7 Tenant issues arose at the subject property around July 2013 and Geislinger eventually decided to hire another property manager, Susan Martin (Martin). Martin then discovered that Rymeski had been managing the subject property without a property manager's license.
 - 1.8 In October 2013, Geislinger terminated his business relationship with Rymeski.

Violation: By signing two tenants lease agreements for the subject property, Rymeski violated ORS 696.301(3) as it incorporates 696.020(2) (2011 Edition), 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. (2 counts)

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.

ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Rymeski 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 Rymeski 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 violations set forth above, Rymeski pay a civil penalty in the sum of \$750.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to OREA.

IT IS SO STIPULATED:

IT IS SO ORDERED:

JAY RYMESKI

GENE BENTLEY

Real Estate Commissioner

Date 12.10.14

DATE of service: 12-10 - 2014