

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 PEONTRAY SHAKIER )  
8 \_\_\_\_\_ )

ORDER ON DEFAULT

9 1.

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

15 1.2 The certified mailing was signed as received by someone other than Shakier.  
16 The return receipt was received by the OREA on December 16, 2013.

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.

30 ///



1           3.5     Shakier said he found Nacoste to assume the mortgage. Shakier had been  
2 working on a short sale with the lender but the short sale did not work out. Shakier said he  
3 had worked on figuring out the liens on the property and that he worked on the payoff amounts  
4 for Frey. Shakier was never the owner of the subject property at any time.

5           3.6     Nacoste said that she did not take a loan out for purchase of the subject  
6 property. She stepped into the deal when it was time to come up with the money and the  
7 purchase was put in her son's name, Jacques Harris (Harris).

8           3.7     A letter dated February 5, 2010, and addressed to "Shalier (sic) Real Estate Inc.,"  
9 from Frey's lender contained the payoff information for Frey's first mortgage. A letter dated  
10 February 11, 2010, addressed to "Shakier Real Estate Investments," from the lender contained  
11 payoff information for an additional mortgage lien on the subject property.

12          3.8     Frey's lender, Household Finance Corporation II (HFC), stated in a response to  
13 an inquiry from the Oregon Department of Justice (ODOJ) regarding Nacoste's situation, the  
14 following information: On April 4, 2000, Frey established a mortgage with HFC for the subject  
15 property. Frey was the sole title owner at that time and the mortgage language stated that the  
16 lender must give prior written consent before all or any part of the property, or interest in the  
17 property, is sold or transferred. Between January 26, 2010 and March 10, 2011, HFC was  
18 presented with a short sale offer of \$60,200.00 between Frey and Shakier of Shakier Real  
19 Estate. On March 25, 2011, Frey was sent a letter stating the short sale offer was denied. On  
20 March 17, 2010, HFC was provided with a copy of the recorded quit claim deed between Frey  
21 and Harris. In HFC's response to ODOJ dated July 23, 2012, HFC stated that they "did not  
22 authorize this transaction."

23          3.9     In the investigation, it was discovered that Frey had Parkinson's disease and did  
24 not remember much about what happened in the transaction. Frey said she did remember the  
25 final time she met with Shakier, that Nacoste and Shakier took her to the bank to sign  
26 documents.

27          3.10    Frey quitclaimed the property to Harris on March 17, 2010 for \$1,500.00. It was  
28 recorded with Multnomah County on March 17, 2010.

29     ///

30     ///

1           3.11 For the investigation, Nacoste provided proof she obtained a cashier's check  
2 from US Bank on March 17, 2010, made out to Frey in the amount of \$1,500.00. Nacoste  
3 also showed proof of other payments by cashier's checks on February 17, 2010, including  
4 funds paid to the following: Multnomah County Property Taxes, HOA University Townhouse  
5 Association, HFC, A Best Construction, and the law firm of Bernardi & Spencer. In addition to  
6 these payments, Nacoste provided for the investigation, what appeared to be a receipt for  
7 funds received from Shakier Real Estate Investments. The document states, "Payment of  
8 10,000 dollars for the purchase of the house at 3910 Juneau Street Portland, Oregon 97217.  
9 Received from Jacques R. E. Harris. 3-17-2010."

10           3.12 Shakier said he received \$5,000.00 in cash, from Nacoste on this sale.

11           **Violation:** By conducting professional real estate activity without a license, through  
12 representation of Frey in the sale of her property to Nacoste, Shakier violated ORS 696.020(2)  
13 (2009 Edition).

14           ///

15           ///

16           ///

17           ///

18           ///

19           ///

20           ///

21           ///

22           ///

23           ///

24           ///

25           ///

26           ///

27           ///

28           ///

29           ///

30           ///

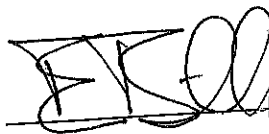
ORDER

1  
2 IT IS HEREBY ORDERED that pursuant to ORS 696.397 Shakier immediately cease  
3 and desist from engaging in any professional real estate activity as defined in ORS  
4 696.010(14)(a) to (n) unless Shakier first obtains a real estate license from the Oregon Real  
5 Estate Agency. The Commissioner's authority for this order is under ORS 696.397.

6 In addition, pursuant to ORS 696.990 and based on the violation set forth above,  
7 Shakier pay a civil penalty for the following amounts: a) \$500, in accordance with ORS  
8 696.990(4), for conducting professional real estate activity without a license, and b) for \$5,000,  
9 which was the amount Shakier received as profit from the transaction, in accordance with ORS  
10 696.990(5). The penalties listed above are to be paid to the General Fund of the State  
11 Treasury by paying the same to OREA.

12 Dated this 14<sup>th</sup> day of JANUARY, 2014.

13  
14 OREGON REAL ESTATE AGENCY

15  
16 

17  
18 GENE BENTLEY  
19 Real Estate Commissioner  
20

21  
22 DATE of service: 1/14/2014

23  
24 NOTICE: You are entitled to judicial review of this order. Judicial review may be obtained by  
25 filing a petition for review within 60 days from the date of service of this order. Judicial review  
26 is pursuant to the provisions of ORS 183.482.  
27  
28  
29  
30