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 JIAN FENG ZHU 8 9 10 The Real Estate Agency (OREA) and Jian "Carl" Feng Zhu (Zhu) do hereby agree and 11 stipulate to the following: 12 FINDINGS OF FACT 13 14 CONCLUSIONS OF LAW 15 At all times mentioned herein, Zhu was not licensed to conduct professional real 16 1.1 17 estate activity in Oregon. 18 1.2 On April 8, 2013, OREA received an email from Curt Arthur (Arthur), a licensed 19 principal broker of Sperry Van Ness Commercial Advisors, LLC. The email contained a 20 forwarded message from Zhu with attachments including property information for two Burger 21 King restaurants located in Oregon and advertisements offering the properties for sale. Zhu 22 was listed as the contact for both advertisements. The subsequent investigation found the 23 following: 24 1.3 Zhu holds a salesperson license in the State of California. His employing broker 25 is Mandarin Realty 1 Corporation located in Monterey Park, CA. 26 On April 8, 2013, Zhu sent an email to Arthur regarding two Burger King (BK) 27 restaurants in Oregon, one was in Newport and the other in Woodburn. Attached to the email were PDFs containing property information and copies of advertisements for both properties. 28 29 Zhu's contact information was listed on both advertisements in addition to contact information 30 for his employing broker.

- 1.5 Zhu had written in his email, "Hi, Curt, I am attaching the two PDF here. One is the Newport BK and the other is BK in Woodburn. Please let me know if you need additional information."
- 1.6 Zhu was not working with a cooperating Oregon licensee for the two BK listings. In a conversation on June 11, 2013, with OREA investigator, Meghan Lewis (Lewis), Zhu said that he was not aware he needed to be licensed in Oregon or working with a cooperating Oregon principal broker to list the two Oregon properties. Zhu said about seven years ago he had helped the current BK owner buy the BK's, and when they decided to sell they called Zhu to list the properties.
- 1.7 On June 11, 2013, Zhu emailed Lewis a screen shot of the LoopNet advertisement of the BK properties. The status of the BK properties showed, "Off Market." On June 12, 2013, Zhu emailed Lewis the Cancellation of Listing which was dated June 10, 2013.

Violation: By sending the April 8, 2013 email containing property information and advertisements offering the two BK restaurants for sale while not licensed in Oregon to do so, Zhu violated ORS 696.020(2), 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.

## **ORDER**

IT IS HEREBY ORDERED that, pursuant to ORS 696.990 and based upon the violation set forth above, Jian Feng Zhu pay a civil penalty in the sum of \$250.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to OREA.

In addition, Zhu must immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(14)(a) to (n) (2011 Edition) unless Zhu first obtains a real estate license from OREA. The Commissioner's authority for this order is under ORS 696.397.

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JIAN "CARL" FENG ZHU

Date 1-29-14

IT IS SO ORDERED:

GENE BENTLEY

Real Estate Commissioner

DATE of service: 2-5-2014