

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
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4 In the Matter of the Unlicensed Professional)
5 Real Estate Activity of)
6 DALE KARDASZ)

ORDER ON DEFAULT AND ORDER TO
CEASE AND DESIST

8 _____)
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10 1.1 On July 22, 2015, the Real Estate Commissioner issued, by certified mail, a
11 notice of intent to levy civil penalty and an order to Cease and Desist. The Real Estate Agency
12 (OREA) sent the notice of intent to Dale Kardasz's (Kardasz) last known address of record with
13 the OREA. The notice of intent was also mailed to Kardasz by regular first class mail in a
14 handwritten envelope.

15 1.2 On July 22, 2015, the notice of intent was sent to 650 NE Holladay St Ste 1600
16 Portland, OR 97232.

17 1.3 On August 3, 2015, the regular first class mailing of the notice of intent was
18 returned to OREA as "RETURN TO SENDER NOT DELIVERABLE AS ADDRESSED
19 UNABLE TO FORWARD."

20 1.4 On August 6, 2015, the certified mailing of the notice of intent was returned to
21 OREA as "RETURN TO SENDER NOT DELIVERABLE AS ADDRESSED UNABLE TO
22 FORWARD."

23 1.5 Over twenty (20) days have elapsed since the mailing of the notice issued in this
24 matter and no written request for hearing has been received.

25 1.6 Copies of the entire investigation file are designated as the record for purposes
26 of default, including any submission from respondent and all information in the administrative
27 file relating to the mailing of notices and any responses received.

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Based upon the foregoing and upon a review of the above described investigation reports, documents and files, the Real Estate Commissioner finds:

2.1 Oregon Administrative Rule 863-001-0006 states, in part, that a notice of intent is properly served when deposited in the United States mail, registered or certified mail, addressed to the real estate licensee or to any other person having an interest in a proceeding before the Commissioner at the licensee's or other person's last known address of record with OREA.

2.2 Kardasz's last known address of record with OREA was 650 NE Holladay St Ste 1600, Portland, OR 97232.

2.3 A certified mailing of the notice of intent was mailed to Kardasz at his last known address of record on July 22, 2015.

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

FINDINGS OF FACT

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CONCLUSIONS OF LAW

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3.1 On October 2, 2014, OREA received a complaint from William Doose (Doose). Doose had been contacted by a representative of Lakebridge Realty concerning renting and/or selling a timeshare unit that he owned.

3.2 On November 17, 2014, OREA opened an investigation.

3.3 Doose submitted with his complaint, a printout from Lakebridge Realty's website, titled "Welcome to Lakebridge Realty." The document said, "Lakebridge Realty, has been providing friends and neighbors of Portland with diligence and unsurpassed real estate and event services." "Our reputable mortgage consultants and broker staff are members of the Insurance Agent and Brokers Association as well as the Professional Insurance Agents of Oregon. Each staff member is certified to handle real estate transactions with a NMLSR ID." "Our prestigious Real Estate staff members are members of National Association of REALTORS®." The page was signed by Dale Kardasz as CEO of Lakebridge Realty.

1 3.4 Doose provided several other documents which appear to be screen shots of
2 www.lakebridgerealty.com, captured on October 1, 2014. The screen shots advertise the
3 professional real estate services of Lakebridge Realty. The address of the business on the
4 website is, 650 NE Holladay Street, Portland, Oregon 97232.

5 3.5 A search of the Oregon Secretary of State Business registration records, shows
6 that the business name, Lakebridge Realty, was registered on June 3, 2014. Kardasz is listed
7 as the authorized agent with a business address of 650 Holladay Street Suite 1600 Portland,
8 OR 97232.

9 3.6 Lakebridge Realty is not registered with OREA as a business name. Additionally,
10 Kardasz does not hold a real estate license in Oregon.

11 **Violation:** By advertising professional real estate services on the website of
12 Lakebridge Realty, at www.lakebridgerealty.com, Kardasz violated ORS 696.020(2), which
13 states an individual may not engage in, carry on, advertise or purport to engage in or carry on
14 professional real estate activity, or act in the capacity of a real estate licensee, within this state
15 unless the individual holds an active license.

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ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Kardasz 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 Kardasz first obtains a real estate license from OREA. The Commissioner's authority for this order is under ORS 696.397.

IT IS FURTHER ORDERED, pursuant to ORS 696.990 and based upon the violation set forth above, Kardasz pay a civil penalty in the sum of \$500.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to OREA.

Dated this 14th day of SEPTEMBER, 2015.

OREGON REAL ESTATE AGENCY



GENE BENTLEY

Real Estate Commissioner

DATE of service: 9-14-2015

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