

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 DEREK JON MARTY
8

STIPULATED FINAL ORDER AND ORDER
TO CEASE AND DESIST

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

18 1.2 On March 18, 2014, OREA received an anonymous complaint alleging that
19 Marty was engaged in professional real estate activity without having a real estate license to
20 do so. The complaint included copies of email correspondence from Marty to the complainant.
21 The printouts contained only the body of the emails, dates, times and recipient information was
22 not included. The apparent purpose of these emails was to market available properties to
23 potential buyers.

24 1.3 The emails included property descriptions, asking prices and prices for
25 comparable properties. The advertisements also stated the properties were unlisted and
26 owned by Marty's client, "an investor." In the emails Marty was representing the seller and
27 marketing to potential buyers.

28 1.4 On September 17, 2014, OREA Investigator/Auditor, Frances Hlawatsch
29 interviewed Marty. Marty stated he was the owner and operator of DJM Development which
30 was based out of, and registered in Washington. Marty explained that DJM Development was

1 a "development consulting service," and worked on a contract basis for a couple of clients,
2 usually two or three.

3 1.5 Marty explained the emails referenced in the original complaint were produced
4 on behalf of his primary client/investor. He said this person pays him to market unlisted
5 properties as development opportunities. Marty emails details about the properties to his
6 contact list of builders, investors and brokers. He said most of this contact information was
7 provided to him by title companies. If an email recipient is interested in one of the properties,
8 Marty said he puts the potential buyer in contact with his client, the seller.

9 1.6 At the time of the interview, Marty said that DJM Development presently was
10 working with 2 or 3 clients on about 5 different properties. He explained that he works for a
11 couple of builders/investors but that the majority of his business comes from one main client
12 who is an investor. Marty said his consultant fees are usually paid at an hourly rate plus
13 expenses.

14 1.7 Marty also stated in his interview he had assisted clients with purchasing
15 properties saying, "I sometimes work on the front end, helping clients establish and negotiate
16 prices." "I ask sellers how much they want to sell for then determine the cost of permits,
17 setting up utilities, taking into consideration sensitive areas, and then figure out what you can
18 actually pay these people." He said he also determines the length of closing and, "hashes
19 out the general structure of the deal." This information is presented to his clients, the
20 potentially buyers, with a suggested price range. Marty said he is paid \$35.00 per hour for this
21 work.

22 1.8 Marty relayed an instance where he wrote up and submitted an offer on behalf of
23 a client, for a listed property on MLS. He wrote up and submitted the offer which included a
24 \$2,000 consulting fee payable to himself. The seller declined the offer because they were
25 unwilling to pay Marty's fee. Marty rewrote the offer, removing his fee, resubmitted his offer
26 and at the time of the interview (September 17, 2014) it had not been accepted.

27 1.9 Marty told Hlawatsch, he had previously considered an Oregon real estate
28 license when he was a candidate for a position with a local commercial broker, but had
29 decided the upfront cost of licensure was too expensive.

30 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

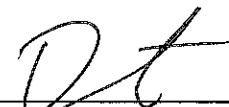
ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Marty 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 Marty 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 violation set forth above, Marty 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.


IT IS SO STIPULATED:

IT IS SO ORDERED:



DEREK JON MARTY

Date April 4th 2016



GENE BENTLEY

Real Estate Commissioner

Date 4.18.16

Date of Service: 4-18-2016