REAL ESTATE AGENCY BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional Real Estate Activity of

DAN LEE BERREY

STIPULATED FINAL ORDER AND ORDER TO CEASE AND DESIST

The Oregon Real Estate Agency (OREA) and Dan Lee Berrey (Berrey) do hereby agree and stipulate to the following:

FINDINGS OF FACT

&

CONCLUSIONS OF LAW

1.

- 1.1 On July 1, 2015, OREA received a complaint alleging Berrey was advertising a property for lease and continued to operate his real estate website, Commercial Concepts, Inc.(CCI), without having an active real estate license to do so.
- 1.2 Berrey's principal broker license was revoked by OREA on June 17, 2015. After Berry's license was revoked, there was no remaining principal broker licensee associated with Commercial Concepts, Inc.
- 1.3 On August 5, 2015, OREA Investigator/Auditor Jeremy Brooks (Brooks) reviewed CCI's website (the company that Berrey did professional real estate activity under prior to his license revocation). As of August 5, 2015, the CCI website (www.commercialconceptsinc.net) showed a picture of Berrey on the home page and described the company as, "Independently owned and operated by Dan Berrey (CCIM, Designated Broker)." The webpage describes services offered to clients including leasing and consulting, asset management and project development.

- 1.4 The CCI website also contained links for properties for lease and properties for sale. Some of the links for the properties listed failed to work and many of the property photos looked to have been removed.
- 1.5 During the investigation, Brooks visited the properties listed on the website for lease and sale and found out of five properties listed for lease, two of the properties contained advertising listing Berrey as owner/broker. The properties were the following:
 - Madrona Office Plaza, 213-235 Madrona Ave, SE, Salem 97302 (Madrona property). Signage with Commercial Concepts Inc was in the front of the building. The owner/broker listed on the sign was Dan Berry, P.C., CCIM.
 - New Westgate Development, Edgewater St area, West Salem, OR 97301
 (Westgate property). A Commercial Concepts Inc., Sign was on the front of the building. The owner/broker listed on the sign was Dan Berrey, P.C., CCIM.
- 1.6 When Brooks contacted Berrey regarding the CCI website Berrey stated he thought the website had been taken down. Berrey advised Brooks that he had instructed his IT professional to remove the website. Regarding the Madrona property advertising, Berrey stated, "is one of our holdings." For Westgate property Berrey wrote, "it's an old sign and will come down this week."

Violation: After Berrey's principal broker license was revoked, he failed to remove all advertising relating to his status as a broker associated with CCI, (CCI website and signs on the Madrona property and Westgate property), and in doing so, Berrey engaged in professional real estate activity as described in ORS 696.010(14) (2015 Edition), which is a violation of ORS 696.020(2) (2015 Edition)(3 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.

ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Berrey immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(14)(a) to (n) (2015 Edition). 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, Berrey pay a civil penalty in the sum of \$1,100.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to OREA.

IT IS SO STIPULATED:

DAN LEE BERREY

Date 3 20 17

IT IS SO ORDERED:

GENE BENTLEY

Real Estate Commissioner

Date 3.29.17

Date of service: 3 29 2017