

1 REAL ESTATE AGENCY
2 BEFORE THE REAL ESTATE COMMISSIONER
3

4 In the Matter of the Real Estate License of

5
6 JERRY DF DUKE

7 } FINAL ORDER BY DEFAULT
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11 1.1 On June 19, 2017, the Real Estate Commissioner issued, by certified mail, a
12 notice of intent to revoke the real estate broker license of Jerry DF Duke (Duke). The Oregon
13 Real Estate Agency (OREA) sent the notice of intent to Duke's last known address of record
14 with the OREA. The notice of intent was also mailed to Duke by regular first class mail in a
15 handwritten envelope.

16 1.2 The notice of intent was mailed certified to the following addresses on June 19,
17 2017: 8551 NW Red Wing Way, Beaverton, OR 97006, 18551 NW Red Wing Way, Beaverton,
18 OR 97006, and 2934 SW Montgomery Dr, Portland, OR 97201. The certified mailing
19 addressed to 8551 NW Red Wing Way was returned, with the following notation, "Return to
20 Sender Vacant Unable to Forward. On the returned mailing handwritten was a "1" in front of
21 "8551" and after "Way", the following had been written in, "#203." The certified mailing
22 addressed to 18551 NW Red Wing Way, Beaverton, OR 97006 was returned to OREA
23 marked, "Return to Sender Not Deliverable As Addressed Unable to Forward," and "Unable to
24 Forward/For Review." The certified mailing to 2934 SW Montgomery Dr., Portland, OR 97201
25 was returned to OREA marked, "Return to Sender Unclaimed Unable to Forward."

26 1.3 The notice of intent was mailed regular first class mail in a handwritten envelope
27 to the following addresses on June 19, 2017: 8551 NW Red Wing Way, Beaverton, OR 97006,
28 18551 NW Red Wing Way, Beaverton, OR 97006, and 2934 SW Montgomery Dr., Portland,
29 OR 97201. None of the regular first class mailings of the notice have been returned to OREA.

30 1.4 Over twenty (20) days have elapsed since the mailing of the notice issued in this
matter and no written request for hearing has been received.

1 1.5 Copies of the entire investigation file are designated as the record for purposes
2 of default, including any submission from respondent and all information in the administrative
3 file relating to the mailing of notices and any responses received.

4 2.

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

7 2.1 Oregon Administrative Rule 863-001-0006 states, in part, that a notice of intent is
8 properly served when deposited in the United States mail, registered or certified mail,
9 addressed to the real estate licensee or to any other person having an interest in a proceeding
10 before the Commissioner at the licensee's or other person's last known address of record with
11 OREA.

12 2.2 Duke's last known address of record with OREA was 2934 SW Montgomery DR,
13 Portland, OR 97201.

14 2.3 A certified mailing of the notice of intent was mailed to Duke at his last known
15 address of record on June 19, 2017. The certified mailing to 2934 SW Montgomery Dr.,
16 Portland, OR 97201 was returned to OREA marked, "Return to Sender Unclaimed Unable to
17 Forward."

18 2.4 The notice was mailed certified to another possible address for Duke at 18551
19 NW Red Wing Way, Beaverton, OR 97006, and to 8551 NW Red Wing Way Beaverton, OR
20 97006. The certified mailing addressed to 8551 NW Red Wing Way was returned to OREA,
21 with the following notation, "Return to Sender Vacant Unable to Forward. On the returned
22 mailing handwritten was a "1" in front of "8551" and after "Way", the following had been written
23 in, "#203." The certified mailing addressed to 18551 NW Red Wing Way, Beaverton, OR 97006
24 was returned to OREA marked, "Return to Sender Not Deliverable As Addressed Unable to
25 Forward," and "Unable to Forward/For Review."

26 2.5 The notice of intent was mailed regular first class mail in a handwritten envelope
27 to the following addresses on June 19, 2017: 8551 NW Red Wing Way, Beaverton, OR 97006,
28 18551 NW Red Wing Way, Beaverton, OR 97006, and 2934 SW Montgomery Dr., Portland,
29 OR 97201. The regular first class mailings of the notice have not been returned to OREA.

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1 2.6 In accordance with ORS 40.135(1)(q), there is a presumption that the mailing
 2 properly addressed and placed with the U.S. Postal Service was delivered. That presumption
 3 has not been overcome by any evidence.

4 2.7 Over twenty (20) days have elapsed since the mailing of the notice and no
 5 written request for a hearing has been received.

6 2.8 Pursuant to ORS 696.775, the expiration of Duke's license does not prohibit the
 7 Commissioner from proceeding with further action.

8 3.

9 FINDINGS OF FACT

10 &

11 CONCLUSIONS OF LAW

12 3.1 In May 2013, OREA issued Duke a limited broker license. The limited license
 13 duration was for five years from the issue date. Duke's license expired on December 1, 2016.
 14 In December 2015, Duke filed a complaint against principal broker Peggy Hoag (Hoag), the
 15 principal broker who had been supervising Duke.

16 3.2 In January 2016, Hoag notified OREA that Duke had been arrested for identity
 17 theft.

18 3.3 On August 23, 2015, Hoag reported to the Portland Police Bureau that Duke had
 19 embezzled almost \$30,000.00 from her company, Sundale Ranches and Vineyard.

20 3.4 Duke stole multiple business checks from Hoag, wrote the checks to himself, and
 21 forged Hoag's signature.

22 3.5 The police investigation found that Duke had deposited eight counterfeit checks
 23 totaling \$37,172.07 into his Wells Fargo Account. The following details about the checks were
 24 discovered:

- 25 • On August 10, 2015, Duke deposited two of Hoag's checks into his account at
 26 Wells Fargo located, at 1405 Lloyd Center, Portland, OR, 97232. One of the
 27 checks was written for \$3,427, and the other for \$2,850. Duke received
 28 \$3,000.00 cash back. Duke was positively identified from bank photographs.
- 29 • On August 11, 2015, Duke deposited another of Hoag's checks into his account
 30 at Wells Fargo, located at 1405 Lloyd Center, in the amount of \$3,250 and

1 received \$3,000 back in cash. Duke was positively identified from bank
2 photographs.

- 3 • The other five checks belong to Hoag, Duke deposited to his Wells Fargo
4 account at various Wells Fargo branches around Oregon.

5 3.6 Camas Police Department also investigated Duke after he wrote check # 1021 in
6 the amount of \$2,243.98 to Les Schwab on Hoag's business checking account. The check
7 didn't clear and was returned due to insufficient funds. The truck Duke had serviced at Les
8 Schwab had been reported stolen from Hoag's business, Sundale Vineyard and Ranches,
9 LLC. New tires and brakes were put on the vehicle. The total for the invoice was \$2,243.98.

10 3.7 Hoag told law enforcement, that Duke was not authorized to have work done on
11 the truck and he was not an authorized signer on the business account.

12 3.8 Duke told law enforcement that the money he received from cashing Hoag's
13 business checks was money Hoag owed him for work he did for her in the past.

14 3.9 On December 7, 2015, Duke was convicted of three counts of Identity Theft,
15 (Multnomah County Court Case#15-CR-46010). Duke was sentenced to 36 months of
16 supervised probation and to pay court fees and restitution in the amount of \$12,182.26 to
17 Wells Fargo for their loss.

18 3.10 Per Duke's probation conditions he is not allowed any contact with Hoag.
19 Additionally, Duke is not allowed to apply or accept employment or volunteer for any job
20 handling cash or negotiable instruments, checks, etc., without his probation officer's
21 permission and a full disclosure to the employer about his criminal past.

22 **Violation:** By being convicted of Identity Theft (3 Counts), Duke violated ORS
23 696.301(11) (2015 Edition), which states licensee's real estate license may be discipline if they
24 have been convicted of a felony or misdemeanor substantially related to the licensee's
25 trustworthiness or competence to engage in professional real estate activity.

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ORDER

IT IS HEREBY ORDERED that Duke's limited broker license is revoked.

Dated this 17th day of August, 2017.

OREGON REAL ESTATE AGENCY



GENE BENTLEY
Real Estate Commissioner

Date of Service: 8/17/2017

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.