

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 KIMBERLEY RAE FOX)
8 _____)

STIPULATED FINAL ORDER AND ORDER
TO CEASE AND DESIST

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10 The Oregon Real Estate Agency (Agency) and Kimberley Rae Fox (Fox) do hereby
11 agree and stipulate to the following:

12 FINDINGS OF FACT

13 &

14 CONCLUSIONS OF LAW

15 1.

16 1.1 On February 8, 2008, the Agency issued Fox a broker license. On April 1, 2011,
17 Fox's broker license expired, and on April 1, 2012, her license lapsed.

18 1.2 On September 18, 2016, the Agency received a complaint alleging Fox had been
19 engaging in property management activity without a license.

20 1.3 Property owner Ankesh Kadakia hired Fox as a property manager to manage his
21 property located at 21695 SW Gary Lane, Beaverton Oregon. Kadakia paid Fox a commission
22 of 8% of the monthly gross rent collected. Fox conducted property management activity for the
23 Gary Lane property from October 2010 through March 2013.

24 1.4 From April 2011 through March 2013, Fox engaged in management of rental real
25 estate activity without a license.

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1 **(1) Violation:** By engaging in the management of rental real estate on behalf of Ankesh
2 Kadakia, from April 2011 through March 2013, Fox engaged in professional real estate activity
3 as described in ORS 696.010(14) without a license, in violation of ORS 696.020(2) (2011 and
4 2013 Editions), which states that an individual may not engage in, carry on, advertise or
5 purport to engage in or carry on professional real estate activity, or act in the capacity of a real
6 estate licensee, within this state, without an active license. Professional real estate activity is
7 defined in ORS 696.010(14) (2011 and 2013 Editions) and includes management of rental real
8 estate as defined per ORS 696.010(11) (2011 and 2013 Editions).

9 1.5 On May 2, 2015, Fox and Susan Brown signed a property management
10 agreement for Fox to manage Brown's duplex located at 2006 C St, Forest Grove, Oregon.
11 Fox conducted property management for Brown's property and received an 8% commission of
12 the gross monthly rents from June 1, 2015 through September 30, 2016.

13 **(2) Violation:** By engaging in management of rental real estate on behalf of Susan Brown,
14 from June 1, 2015, through September 30, 2016, Fox engaged in professional real estate
15 activity as described in ORS 696.010(14) without a license, in violation of ORS 696.020(2)
16 (2015 Edition), which states that an individual may not engage in, carry on, advertise or purport
17 to engage in or carry on professional real estate activity, or act in the capacity of a real estate
18 licensee, within this state, without an active license. Professional real estate activity is defined
19 in ORS 696.010(14) (2015 Edition) and includes management of rental real estate as defined
20 per ORS 696.010(11) (2015 Edition).

21 1.6 During the timeframe December 2, 2011 through September 30, 2013, Fox
22 represented buyers and sellers and engaged in professional real estate activity in ten different
23 transactions.

24 **(3) Violation:** By conducting 10 real estate transactions Fox engaged in professional real
25 estate activity as described in ORS 696.010(14) without a license, in violation of ORS
26 696.020(2) (2011 and 2013 Editions), which states that an individual may not engage in, carry
27 on, advertise or purport to engage in or carry on professional real estate activity, or act in the
28 capacity of a real estate licensee, within this state, without an active license. Professional real
29 estate activity is defined in ORS 696.010(14) (2011 and 2013 Editions) and includes
30 management of rental real estate as defined per ORS 696.010(11) (2011 and 2013 Editions).

