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	STIPULATED FINAL ORDER AND ORDER
7	KIMBERLEY RAE FOX 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.
26	H
27	H
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29	HH
30	H

1 of 3 – Stipulated Final Order- Kimberley Rae Fox

- (1) Violation: By engaging in the management of rental real estate on behalf of Ankesh Kadakia, from April 2011 through March 2013, Fox engaged in professional real estate activity as described in ORS 696.010(14) without a license, in violation of ORS 696.020(2) (2011 and 2013 Editions), which states that an individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state, without an active license. Professional real estate activity is defined in ORS 696.010(14) (2011 and 2013 Editions) and includes management of rental real estate as defined per ORS 696.010(11) (2011 and 2013 Editions).
- 1.5 On May 2, 2015, Fox and Susan Brown signed a property management agreement for Fox to manage Brown's duplex located at 2006 C St, Forest Grove, Oregon. Fox conducted property management for Brown's property and received an 8% commission of the gross monthly rents from June 1, 2015 through September 30, 2016.
- (2) Violation: By engaging in management of rental real estate on behalf of Susan Brown, from June 1, 2015, through September 30, 2016, Fox engaged in professional real estate activity as described in ORS 696.010(14) without a license, in violation of ORS 696.020(2) (2015 Edition), which states that an individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state, without an active license. Professional real estate activity is defined in ORS 696.010(14) (2015 Edition) and includes management of rental real estate as defined per ORS 696.010(11) (2015 Edition).
- 1.6 During the timeframe December 2, 2011 through September 30, 2013, Fox represented buyers and sellers and engaged in professional real estate activity in ten different transactions.
- (3) Violation: By conducting 10 real estate transactions Fox engaged in professional real estate activity as described in ORS 696.010(14) without a license, in violation of ORS 696.020(2) (2011 and 2013 Editions), which states that an individual may not engage in, carry on, advertise or purport to engage in or carry on professional real estate activity, or act in the capacity of a real estate licensee, within this state, without an active license. Professional real estate activity is defined in ORS 696.010(14) (2011 and 2013 Editions) and includes management of rental real estate as defined per ORS 696.010(11) (2011 and 2013 Editions).

STIPULATION & WAIVER

I have read and reviewed the above findings of fact and conclusions of law which have been submitted to me by the Agency 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 the Agency 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, Fox immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(17)(a) to (n) (2017 Edition) unless Fox first obtains a real estate license from the Agency. 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, Fox pay a civil penalty in the sum of \$7,600.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to the Agency.

IT IS SO STIPULATED:

IT IS SO ORDERED:

KIMBERLEY RAE FOX

Date <u>11/14/18</u>

DEAN OWENS

Acting Real Estate Commissioner

Date 11-27-18

Date of Service: 1127/2018