

1 REAL ESTATE AGENCY  
2 BEFORE THE REAL ESTATE COMMISSIONER  
3

4 In the Matter of the Real Estate License of )  
5 )  
6 MARCUS ANDREW FOX ) STIPULATED FINAL ORDER  
7 )  
8 )  
9

10 The Oregon Real Estate Agency (Agency) and Marcus Andrew 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 At all times mentioned herein, Fox was licensed as a principal broker with Keller  
17 Williams Realty Portland Premiere (KWRPP).

18 1.2 On October 3, 2016, the Agency sent an Educational Letter of Advice to Fox  
19 regarding advertising issues related to Fox's real estate team, Fox Real Estate Group (FREG).

20 1.3 On or around March 1, 2017, the Agency received a complaint against Fox. The  
21 subject matter of the complaint did not warrant further investigation and was closed, however,  
22 the complaint contained email correspondence from FREG members indicating that  
23 advertising issues were still ongoing.

24 1.4 On March 16, 2017, the Agency opened an investigation. On November 11,  
25 2017, the FREG website, FREG's Facebook.com, Google +, and Twitter.com website were  
26 reviewed.

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1 FREG homepage website:

2 1.5 a. The registered business name displayed was Keller Williams Realty. The  
3 name did not contain the words "Portland Premiere" which is part of the registered business  
4 name, KWRPP.

5 **(1) Violation:** By displaying "Keller Williams Realty," on the FREG's website rather than the  
6 full registered business name of KWRPP, Fox violated ORS 696.301(3) as it incorporates  
7 OAR 863-015-0125(4) (11-15-16 Edition) which requires the registered business name of the  
8 principal real estate broker to be prominently displayed, immediately noticeable and  
9 conspicuous in all advertising.

10 1.6 b. Three Keller Williams registered businesses names were displayed in the  
11 FREG's logo on the website: Keller Williams Realty Portland Premiere, Vancouver Premiere  
12 Partners and Keller Williams Eugene & Springfield. Fox's principal broker license was only  
13 associated with KWRPP.

14 **(2) Violation:** By displaying registered business names on the FREG's website that Fox's  
15 license was not associated with Fox violated ORS 696.301(3) as it incorporates OAR 863-015-  
16 0125(11)(c)(11-15-16 Edition). OAR 863-015-0125(11) allows a licensee to use the term  
17 "team" or "group" to advertise if: (c) the licensee members of the team or group are associated  
18 with the same principal broker.

19 1.7 c. Two FREG property listings were randomly chosen from the FREG  
20 website (328 SE Maple Cir., Gresham, OR and 203 NE Oak View Ln., Estacada, OR). Both  
21 property listings advertise FREG logos that included two registered business names,  
22 "Vancouver Premiere Partners" and "Eugene/Springfield." Fox's registered business name  
23 KWRPP was not immediately noticeable nor prominently displayed on either listing.

24 **(3) Violation:** By advertising registered business names that Fox's license was not  
25 associated with on the two listings for 328 SE Maple Cir, and 203 NE Oak View Ln., Fox  
26 violated ORS 696.301(3) as it incorporates OAR 863-015-0125(11)(c)(11-15-16 Edition). OAR  
27 863-015-0125(11) allows a licensee to use the term "team" or "group" to advertise if: (c) the  
28 licensee members of the team or group are associated with the same principal broker.

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1 **(4) Violation:** By failing to prominently display KWRPP in the two property listings, Fox  
2 violated ORS 696.301(3) as it incorporates OAR 863-015-0125(4) (11-15-16 Edition), which  
3 requires the registered business name of the principal real estate broker to be prominently  
4 displayed, immediately noticeable and conspicuous in all advertising.

5 FREG's "Meet Our Team" webpage:

6 1.8 a. The webpage contained broker advertising for licensees who were not  
7 affiliated with KWRPP, Bobbi Jo Crandall, Amanda Switzer, and Jenny Trank. Both Bobbi Jo  
8 Crandall and Amanda Switzer were associated with Keller Williams Realty, Eugene &  
9 Springfield. Jenny Trank's license was associated with Portland Premiere Referrals.

10 **(5) Violation:** By advertising brokers Bobbi Jo Crandall, Amanda Switzer and Jenny Trank  
11 as part of FREG, Fox violated ORS 696.301(3) as it incorporates OAR 863-015-0125(11)(c)  
12 (11-15-16 Edition). OAR 863-015-0125(11) allows a licensee to use the term "team" or "group"  
13 to advertise if: (c) the licensee members of the team or group are associated with the same  
14 principal broker.

15 1.9 b. Bobby Jo Crandall was advertised as Bobbi Jo Crandall, however, her  
16 licensed name with the Agency is Barbara Jo Stevenson-Crandall. Laura Marcano was  
17 advertised as Laura Marcano, yet her licensed name with the Agency is Laura Mercedes  
18 Estrada-Marcano.

19 **(6) Violation:** By using the names Bobby Jo Crandall and Laura Marcano, instead of their  
20 licensed names of Barbara Jo Stevenson-Crandall and Laura Mercedes Estrada-Marcano, Fox  
21 violated ORS 696.301(3) as it incorporates OAR 863-015-0125(3)(a), and (11)(d) (11-15-2016  
22 Edition). OAR 863-015-0125(3) requires advertising that includes the licensee's name must:  
23 (a) use the licensee's licensed name. OAR 863-015-0125(11) allows a licensee to use the  
24 term "team" or "group" to advertise if: (d) the licensee members of the team or group use each  
25 licensee's licensed name as required under section (3) of this rule.

26 1.10 c. Troy Redinger (Redinger) was listed as a broker on the webpage.  
27 Redinger's profile linked to the "Meet Our Team," webpage stated, "Troy is licensed in  
28 Washington and Oregon." Redinger did not hold an active broker license in Oregon.

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1 **(7) Violation:** By stating Redinger was licensed in the State of Oregon, when Redinger did  
2 not hold an active real estate broker license in Oregon, Fox violated ORS 696.301(3) as it  
3 incorporates OAR 863-015-0125(2)(d), and (11)(e) (11-15-16 Edition). Per OAR 863-015-  
4 0125: (2)(d) Advertisements may not state or imply that the licensee is qualified or has a level  
5 of expertise other than as currently maintained by the licensee. (11) A licensee may use the  
6 term "team" or "group" to advertise if: (e) If any non-licensed individuals are named in the  
7 advertising, the advertising must clearly state which individuals are real estate licensees and  
8 which ones are not.

9 1.11 d. The advertising for the team included the names Denny Le and Mary  
10 Montgomery. It did not indicate if Denny Le and Mary Montgomery were licensed in Oregon or  
11 unlicensed.

12 **(8) Violation:** By failing to indicate whether Denny Le or Mary Montgomery were real  
13 estate licensees or non-licensed individuals, Fox violated ORS 696.301(3) as it incorporates  
14 OAR 863-015-0125(2)(a), and (11)(e) (11-15-16 Edition). OAR 863-015-0125: (2)(a)  
15 Advertising must be identifiable as advertising of a real estate licensee. (11) A licensee may  
16 use the term "team" or "group" to advertise if: (e) If any non-licensed individuals are named in  
17 the advertising, the advertising must clearly state which individuals are real estate licensees  
18 and which ones are not.

19 FREG's Facebook.com webpage:

20 1.12 a. Fox's registered business name, KWRPP was not prominently displayed  
21 and immediately noticeable. Further down the homepage, the registered business name was  
22 partially displayed as "Keller Williams Realty Portland," rather than the full registered business  
23 name of KWRPP.

24 **(9) Violation:** By failing to display the full registered business name that was immediately  
25 noticeable and conspicuous on the FREG's Facebook.com page, Fox violated ORS  
26 696.301(3) as it incorporates OAR 863-015-0125(4) (11-15-16 Edition) which requires the  
27 registered business name of the principal real estate broker to be prominently displayed,  
28 immediately noticeable and conspicuous in all advertising.

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1           1.13 b.       On November 16, 2017, a post was made stating, "FOX REAL ESTATE  
2 GROUP HAS EXPANDED INTO BEND OR!" and "We are excited to announce our new  
3 partner Brian Garrett in Bend, OR. We are happy to be in business with you. Welcome to the  
4 team." Fox included Brian Garrett (Garrett) as a member of FREG, but Garrett's broker license  
5 was associated with Keller Williams Central Oregon rather than KWRPP. Fox's registered  
6 business name, KWRPP did not appear on the Facebook post.

7 **(10) Violation:** By advertising Garrett of Keller Williams Central on Facebook.com as part of  
8 the FREG, Fox violated ORS 696.301(3) as it incorporates OAR 863-015-0125(11)(c) (11-15-  
9 16 Edition). OAR 863-015-0125(11) allows a licensee to use the term "team" or "group" to  
10 advertise if: (c) the licensee members of the team or group are associated with the same  
11 principal broker.

12 **(11) Violation:** By omitting KWRPP on the advertisement announcing Garrett as part of  
13 FREG, Fox violated ORS 696.301(3) as it incorporates ORS 696.026(7)(b) (2015 Edition) and  
14 OAR 863-015-0125(4) (11-15-16 Edition). ORS 696.026(7) If a principal real estate broker has  
15 a registered business name: (b)All professional real estate activity conducted by a real estate  
16 licensee associated with the principal broker must be conducted under the registered business  
17 name and registered business name of the principal real estate broker. OAR 863-015-0125(4)  
18 requires the registered business name to be prominently displayed, immediately noticeable  
19 and conspicuous in all advertising.

20 FREG's Google+ webpage:

21           1.14 a. Fox's registered business name KWRPP was not displayed. A property listing  
22 sample reviewed for 0 NE 1117<sup>th</sup> Ave., Portland OR on the website did not display KWRPP.

23 **(12) Violation:** By failing to display the registered business name on the FREG's Google+  
24 website and property listing on the website, Fox violated ORS 696.301(3) as it incorporates  
25 ORS 696.026(7)(b) (2015 Edition) and OAR 863-015-0125(4) (11-15-16 Edition). ORS  
26 696.026(7) If a principal real estate broker has a registered business name: (b)All professional  
27 real estate activity conducted by a real estate licensee associated with the principal broker  
28 must be conducted under the registered business name and registered business name of the  
29 principal real estate broker. OAR 863-015-0125(4) requires the registered business name to  
30 be prominently displayed, immediately noticeable and conspicuous in all advertising.

1 FREG's Twitter.com webpage:

2 1.15 a. Fox's registered business name, KWRPP was not displayed.

3 1.16 b. FREG's Twitter page shows 14 "tweets" posted between November 2,  
4 2017 and December 2, 2017, where FREG advertised new property listings or open house  
5 events. Each "tweet" displayed the FREG logo, but did not contain KWRPP.

6 **(13) Violation:** By failing to display the registered business name on the FREG Twitter.com  
7 webpage and fourteen advertisements, Fox violated ORS 696.301(3) as it incorporates ORS  
8 696.026(7)(b) (2015 Edition) and OAR 863-015-0125(4) (11-15-16 Edition). ORS 696.026(7) If  
9 a principal real estate broker has a registered business name: (b)All professional real estate  
10 activity conducted by a real estate licensee associated with the principal broker must be  
11 conducted under the registered business name and registered business name of the principal  
12 real estate broker. OAR 863-015-0125(4) requires the registered business name to be  
13 prominently displayed, immediately noticeable and conspicuous in all advertising.

14 1.17 c. Two property listings advertised on the Twitter page for the following  
15 properties: 1104 Hadley Rd., Newberg, OR and 14331 S. Morency Ln., Oregon City, omit  
16 "Portland Premiere" portion from Fox's registered business name, KWRPP. The registered  
17 business name on these two listings was not immediately noticeable and prominently  
18 displayed.

19 **(14) Violation:** By failing to prominently display the full registered business name on the two  
20 listings for 1104 Hadley Rd, and 14331 S Morency Ln., advertised on the twitter webpage Fox  
21 violated ORS 696.301(3) as it incorporates OAR 863-015-0125(4) (11-15-16 Edition) which  
22 requires the registered business name to be prominently displayed, immediately noticeable  
23 and conspicuous in all advertising.

24 2.

25 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.

26 2.2 The Agency reserves the right to investigate and pursue additional complaints  
27 that may be received in the future regarding this licensee.

28 2.3 In establishing the violations alleged above, OREA may rely on one or more of  
29 the definitions contained in ORS 696.010.

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1 STIPULATION & WAIVER

2 I have read and reviewed the above findings of fact and conclusions of law which have  
3 been submitted to me by the Agency and further, the order which follows hereafter. I  
4 understand that the findings of fact, conclusions of law and this stipulation and waiver embody  
5 the full and complete agreement and stipulation between the Agency and me. I further  
6 understand that if I do not agree with this stipulation I have the right to request a hearing on  
7 this matter and to be represented by legal counsel at such a hearing. Hearings are conducted  
8 in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the  
9 Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. I  
10 freely and voluntarily waive my rights to a hearing, to representation by legal counsel at such a  
11 hearing, and to judicial review of this matter.

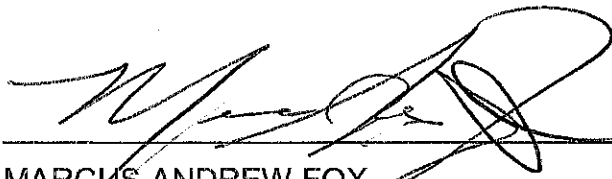
12 I hereby agree and stipulate to the above findings of fact and conclusions of law and  
13 understand that the order which follows hereafter may be completed and signed by the Real  
14 Estate Commissioner or may be rejected by the Real Estate Commissioner. I understand that,  
15 in accordance with the provisions of ORS 696.445(3), notice of this order shall be published in  
16 the Oregon Real Estate News Journal.

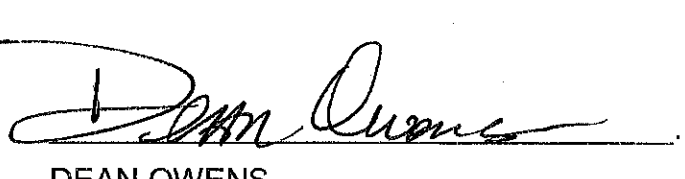
17 ORDER

18 IT IS HEREBY ORDERED that the principal broker license of Fox be, and hereby is  
19 reprimanded.

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21 IT IS SO STIPULATED:

IT IS SO ORDERED:

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24 \_\_\_\_\_  
25 MARCUS ANDREW FOX

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24 \_\_\_\_\_  
25 DEAN OWENS

26  
27 Date 2/15/19

26 Acting Real Estate Commissioner  
27 Date 02-21-2019

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29 Date of Service: 2/21/2019  
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