

1 REAL ESTATE AGENCY  
2 BEFORE THE REAL ESTATE COMMISSIONER  
3

4 In the Matter of the Real Estate License of )  
5 )  
6 AARON RIAN ) STIPULATED FINAL ORDER  
7 )  
8 )  
9

10 The Oregon Real Estate Agency (Agency) and Aaron Rian (Rian), in order to avoid the  
11 expense and risks of hearing and appeals “do hereby” agree to resolve this case and stipulate  
12 that the following findings, conclusions and order may be entered.  
13

14 FINDINGS OF FACT  
15 &  
16 CONCLUSIONS OF LAW

17 1.

18 1.1 Rian was licensed as a principal broker doing business under the registered  
19 business name The Rian Group Real Estate (now called The Brokerage House, the name  
20 change occurred on January 16, 2019).

21 1.2 The Agency received several complaints regarding The Rian Group Real Estate  
22 (The Rian Group) and in August 2018, the Agency opened an investigation.

23 1.3 Rian was responsible for the following:

- 24 • All listing agents  
25 • Marketing department operation and employees  
26 • All advertising for The Rian Group

27 1.4 The Rian Group’s Inside Sale Team made numerous outbound calls each day to  
28 inquire if people were interested in listing their home, and if so, they would set up an  
29 appointment with a real estate licensee. The Inside Sales Team individuals were not licensed  
30 and were supervised by Rian.

1           1.5     A small claims civil suit was filed in Washington County, Oregon (Case No  
2 175C14779) against Rian, The Rian Group and The Money Team Investments, LLC. The  
3 small claim suite resulted in a \$7,740.00 judgement and money award against the defendants  
4 on July 7, 2017. Rian failed to notify the Agency of the judgement within the required 20 days.

5 **(1) Violation:** By failing to report the July 7, 2017, \$7,740.00 judgment Rian violated ORS  
6 696.301(3) as it incorporates OAR 863-015-0175(1)(b)(4) (11-15-16 Edition), which requires a  
7 licensee to report any adverse judgment to the Agency within 20 calendar days after the  
8 licensee receives written notification of an adverse judgment.

9           1.6     Denise Garceau (Garceau) was contacted several times by The Rian Group's  
10 Inside Sales Team regarding her daughter's property. Garceau stated that a representative  
11 guaranteed if they sold the property they would get her 112% over asking price.

12 **(2) Violation:** By failing to supervise and allow The Rian Group's representative to  
13 guarantee that they could sell Denise Garceau's daughter's home for 112% over asking price  
14 during a phone call, Rian violated ORS 696.301(3) as it incorporates OAR 863-015-0125(10)  
15 and OAR 863-015-0140(3) (11-15-16 Edition). OAR 863-015-0125(10) states no advertising  
16 may guarantee future profits from any real estate activity. OAR 863-015-0140(3) requires a  
17 principal real estate broker to supervise and control the professional real estate activity at any  
18 main or branch office registered by the principal broker.

19           1.7     Haili Barber, an Oregon real estate broker had an active property listing when  
20 she received calls from The Rian Group. The first call was attempting to set up an  
21 appointment with the home owner of her listing. Barber's assistant received a second call from  
22 The Rian Group and the caller asked her assistant during the call about the listing. The third  
23 call from The Rian Group was from a caller Everett Alcontra (Alcontra). Alcontra attempted to  
24 schedule an appointment for Barber with a real estate licensee from The Rian Group to  
25 provide a comparative market analysis for the listed property.

26 **(3) Violation:** By allowing multiple call team representatives from The Rian Group to solicit  
27 a listing for a property that was actively listed by broker Haili Barber in 2018, Rian violated  
28 ORS 696.301(6) and (7) (2017 Edition). According to ORS 696.301(6) and (7) a licensee's  
29 real estate license may be disciplined if they have: (6) intentionally interfered with the  
30 contractual relations of others concerning real estate or professional real estate activity; (7)

1 intentionally interfered with the exclusive representation or exclusive brokerage relationship of  
2 another real estate licensee.

3 1.8 The investigation found multiple instances where The Rian Group's unlicensed  
4 Inside Sales Team representatives attempted to procure leads by calling the following  
5 individuals: Joseph West, Denise Garceau, Gary Kogler, Nancy Schoenberg, Haili Barber  
6 and Carol Koffel.

7 **(4) Violation:** By allowing The Rian Group's unlicensed Inside Sales Team representatives  
8 to attempt to procure leads by calling above mentioned individuals Rian violated ORS  
9 696.301(3) as it incorporates ORS 696.315(1) (2015 & 2017 Editions), which states a real  
10 estate licensee may not knowingly permit a nonlicensed individual to engage in professional  
11 real estate activity, with or on behalf of the licensee.

12 2.

13 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.  
14 Based on these violations a reprimand is appropriate for violations of ORS 696.301(3).

15 2.2 The Agency reserves the right to investigate and pursue additional complaints  
16 that may be received in the future regarding this licensee.

17 2.3 In establishing the violations alleged above, OREA may rely on one or more of  
18 the definitions contained in ORS 696.010.

19 2.4 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a  
20 real estate license, whether by operation of law, order of the Real Estate Commissioner or  
21 decision of a court of law, or the inactive status of the license, or voluntary surrender of the  
22 license by the real estate licensee does not deprive the commissioner of jurisdiction to: (1)  
23 proceed with an investigation of the licensee; (2) conduct disciplinary proceedings relating to  
24 the licensee; (3) Take action against a licensee, including assessment of a civil penalty against  
25 the licensee for a violation of ORS 696.020(2); or (4) revise or render null and void an order  
26 suspending or revoking a license.

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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 I agree once the Commissioner executes this stipulated order, I will accept service of  
18 the final order by email, and hereby waive the right to challenge the validity of service.

19 ORDER

20 IT IS HEREBY ORDERED that Rian's real estate principal broker license be, and  
21 hereby is reprimanded.

22  
23 IT IS SO STIPULATED:

24 

26 \_\_\_\_\_  
27 AARON RIAN

28 Date 4/5/20

IT IS SO ORDERED:

Steven  
Strode

Digitally signed by Steven  
Strode  
Date: 2020.05.07  
10:12:56 -07'00'



26 \_\_\_\_\_  
27 STEVEN STRODE

Real Estate Commissioner

28 Date 5/7/20

29 Date of Service: 5/7/20