

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional
Real Estate Activity of
JOSE A. DUARTE

STIPULATED FINAL ORDER AND ORDER
TO CEASE AND DESIST

The Oregon Real Estate Agency (Agency) and Jose A. Duarte do hereby agree
and stipulate to the following:

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Duarte was not licensed to conduct professional
real estate activity in Oregon.

1.2 On August 18, 2016, Wesley Hill (Hill) the attorney who represented Monico and
Maria Gonzalez (Gonzalezes) filed a complaint against Duarte for unlicensed property
management activity. The Agency opened an investigation.

1.3 Gonzalezes' owned an apartment complex, West Town Manor, located at 1125
SE Wyatt Ave, Stayton, Oregon 97383 (West Town Manor).

1.5 Duarte managed West Town Manor through USave Property Management.

1.4 Records were provided for the West Town Manor. The reports show
management fees being paid out every month to USave and checks written to the Gonzalezes
from USave Property Management.

1.5 Utility bills for West Town Manor from the City of Stayton were mailed to USave
Property Management.

1.6 Bills from Allied Waste for West Town Manor were mailed to USave Property
Management.

1 1.7 Pacific Power bills for West Town Manor were addressed to Monico Gonzalez
2 c/o U Save Prop MGMT Attn: Jose Duarte at PO Box 736 Mill City, OR 97306.

3 1.8 On March 30, 2017, during a phone interview with Agency Investigator/Financial
4 Auditor Lindsey Nunes (Nunes) Monico Gonzalez said he bought West Town Manor in 2007
5 and Duarte managed the property for him from when he purchased it until August 2015.

6 1.9 On April 6, 2017, during a phone interview with Duarte, he told Nunes that he
7 managed West Side Manor for a family member from 2007 until August 2015 through USave
8 Property Management. When he was terminated, Duarte stated he gave the new property
9 manager all the rental agreements he had and a check for \$9,000.00.

10 1.10 When asked why he continued conducting property management activity after he
11 had previously been fined a civil penalty in 2009 by the Agency for doing the same activity, he
12 explained he was just doing a favor for his family.

13 **Violation:** By engaging in the management of rental real estate, Duarte engaged in
14 professional real estate activity as described in ORS 696.010(15)(h) (2009 Edition) and ORS
15 696.010(14) (2011, 2013, and 2015 Editions), without a license, which is a violation of ORS
16 696.020(2) (2009, 2011, 2013, and 2015). ORS 696.020(2) states an individual may not
17 engage in, carry on, advertise or purport to engage in or carry on professional real estate
18 activity or act in the capacity of a real estate licensee, within this state unless the individual
19 holds an active license as provided in this chapter. ORS 696.010(12) (2009 Edition), ORS
20 696.010(11) (2011, 2013 and 2015 Editions) defines “management of rental real estate.”

21 1.11 In 2009 Duarte was issued a \$2,600.00 civil penalty for unlicensed property
22 management activity.

23 1.12 On January 24, 2017, Duarte registered a business with the Oregon Secretary of
24 State called “ORGN Properties LLC.” Duarte was listed as the Registered Agent and Owner,
25 and for services rendered, it states, “Rentals.”

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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. I understand that, in accordance with the provisions of ORS 696.445(3), notice of this order shall be published in the Oregon Real Estate News Journal. I agree once the Commissioner executes this stipulated order, I will accept service of the final order by email, and hereby waive the right to challenge the validity of service.

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ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Duarte immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(17)(a) to (n) (2019 Edition) unless Duarte 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, Duarte pay a civil penalty in the sum of \$6,100.00, 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:

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JOSE A. DUARTE

Date 2/26/2021 | 9:56 AM PST

DocuSigned by:

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STEVEN STRODE

Real Estate Commissioner

Date 3/10/2021 | 8:25 AM PST



Date of Service: 03/10/2021