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REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional
Real Estate Activity of
JACK BEALL

STIPULATED FINAL ORDER AND ORDER
TO CEASE AND DESIST

The Oregon Real Estate Agency (Agency) and Jack Beall (Beall) do hereby agree and stipulate to the following:

FINDINGS OF FACT, STATEMENTS OF LAW
AND
CONCLUSIONS OF LAW

1.

In establishing the violations set forth herein, the Agency may rely on one or more of the definitions contained in ORS 696.010.

First Findings of Fact:

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

1.2 On December 1, 2020, Lester Friedman (Friedman) filed a complaint with the Agency against fsboHandshake.com. The Agency opened an investigation.

1.3 Neither fsboHandshake (FSBOH) nor fsboHandshake.com were registered with the Oregon Secretary of State Corporation. However, Handshake, LLC was registered with Timothy Hix (Hix) listed as the Registered Agent. Tim Hix is the founder of FSBOH.

1.4 FSBOH is not a registered business name with the Agency and Hix does not hold an Oregon real estate license.

1.5 Beall worked for FSBOH and part of his duties was running the company's Facebook and Instagram pages.

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1 1.6 A search done on January 27, 2021, showed on FSBOH's Facebook page, "Real
2 Estate Agent" listed underneath the name of the company. Additionally, in the "About" section
3 it states, "We ensure For Sale By Owner transaction succeed. We provide professional and
4 personal support, plus online negotiation, custom sales contracts, all required documents and
5 closing task management. Sellers pay just \$2,000 with NO commission fees. Join us."

6 1.7 A search done on March 8, 2021 of FSBOH's website, www.fsbohandshake.com,
7 states the company provides the following services:

8 "fsboHandshake provides the guidance and platform for sellers and buyers to complete
9 real estate transactions on their own. All buyers and sellers receive personal guidance
10 from our staff of For Sale By Owner experts. fsboHandshake lets you make or receive
11 offers, negotiate, communicate quickly, and close the transaction. We'll guide you
12 through the entire process from start to finish. You'll receive a personalized dashboard,
13 online negotiations, offer management, a customized contract, the tracking of all tasks
14 and deadlines, and the fsboHandshake team supporting you during the entire process."

15 1.8 At the Economic Development of Central Oregon's May 2019 Pub Talk, Hix
16 explained that FSBOH offers all the legal paperwork necessary to complete the transaction
17 and provided a step-by-step guide. Per Hix, FSBOH does not offer advice on sales price or
18 assist with advertising the house for sale. However, once buyer and seller agree on the terms,
19 FSBOH will send the executed contract to Escrow and the FSBOH fee is paid only when the
20 transaction closes.

21 1.9 On November 16, 2020, Friedman received an email from Beall with the subject
22 line "fsboHandshake Resources." The email was from jack@fsbohandshake.com and stated in
23 part:

24 "You can make it easier for buyers to submit an offer in 3 easy steps:

- 25 1. Create your property profile at www.fsboHandshake.com in minutes
- 26 2. Receive your personalized weblink
- 27 3. Share your link with potential buyers to receive offers

28 fsboHandshake provides professional support to you and your buyer.

29 We allow your buyers to feel confident purchasing a For Sale by Owner home without
30 an agent.

1 Once you receive the weblink, you can add the highlighted section below to your Zillow
2 listing:

3 'Buyers without agents, will receive free support and service from fsboHandshake, an
4 independent For Sale By Owner company. Visit fsboHandshake.com to learn more or
5 click on the following link to make an offer on this home, **LINK GOES HERE**. If you do
6 have a Buyer's Agent or would like to know more about this property, please contact me
7 directly at (xxx) xxx-xxxx.'

8 Unlike real estate agents, we don't believe in real estate commissions or exclusivity
9 agreements. When you successfully close with fsboHandshake, we'll collect a flat fee
10 of \$2,000 through escrow. Nothing is due upfront. You only pay us if you close using
11 fsboHandshake.

12 Get a quick glimpse of how it works here.

13 Let me know if you have any questions! I look forward to working with you and your
14 buyer."

15 1.10 The signature block contained Beall's name and the fsboHandshake company
16 name.

17 1.11 Further review of the links provided in Beall's November 16, 2020, email to
18 Friedman indicate fsboHandshake was assisting in the closing of transactions.

19 1.12 On September 8, 2019, Sean and Christy Gmeiner (Gmeiners) listed their home
20 for sale using Zillow to advertise. The following was noted in the remarks, "Welcome to
21 Redmond, OR! This home is being sold by owner. Buyers may use fsbohandshake.com to
22 make & complete the purchase. In an effort to pass savings on to a buyer no real estate
23 agents please."

24 1.13 On September 27, 2019, the Gmeiners accepted an offer from Madison Munson.
25 The purchase and sale agreement was prepared on a FSBOH sales agreement and both
26 parties signed using DocuSign.

27 1.14 On September 28, 2019, Marissa Donnelly, a Project Manager with
28 fsboHandshake sent a copy of the purchase and sales agreement for 3575 SW Pumice Ave. in
29 Redmond, Oregon, to AmeiTitle. Noting that fsboHandshake was serving as the transaction
30 coordinator for the sale of the property. Donnelly's email stated in part, "Providing you with

1 the Purchase and Sales Agreement along with this email should serve as a request to provide
2 the preliminary Title report to the buyers. The buyers will deliver earnest money by EOD
3 9/30/2019."

4 1.15 As a result of facilitating this closing, fsboHandshake received a fee of \$1,500 at
5 closing for services rendered.

6 **First Statement of Law:** ORS 696.020(2) states an individual may not engage in, carry
7 on, advertise or purport to engage in or carry on professional real estate activity, or act in the
8 capacity of a real estate licensee, within this state unless the individual holds an active license
9 as provided for in this chapter. ORS 696.010(17)(j)and (k) (2019 Edition) defines
10 "Professional real estate activity" as: any of the following actions, when engaged in for another
11 and for compensation or with the intention or in the expectation or upon the promise of
12 receiving or collecting compensation, by any person who: (j) assists or directs in the procuring
13 of prospects, calculated to result in the sale, exchange, leasing or rental of real estate; (k)
14 assists or directs in the negotiation or closing of any transaction calculated or intended to result
15 in the sale, exchange, leasing or rental of real estate. ORS 696.010(6) (2019 Edition) defines
16 "compensation as: valuable consideration for services rendered or to be rendered, whether
17 contingent or otherwise. ORS 696.010(19) (2019 Edition) defines "real estate" as: includes
18 leaseholds and licenses to use including, but not limited to, timeshare estates and timeshare
19 licenses as defined in ORS 94.803, as well as any and every interest or estate in real property,
20 whether corporeal or incorporeal, whether freehold or nonfreehold, whether held separately or
21 in common with others and whether the real property is situated in this state or elsewhere.

22 ORS 696.990(4)(a) and (b) states: (4) Any person that violates ORS 696.020(2) may be
23 required by the Real Estate Commissioner to forfeit and pay to the General Fund of the State
24 Treasury a civil penalty in an amount determined by the commissioner of:

25 (a) Not less than \$100 nor more than \$500 for the first offense of unlicensed professional real
26 estate activity; and (b) Not less than \$500 nor more than \$1,000 for the second and
27 subsequent offenses of unlicensed professional real estate activity.

28 ORS 696.397 states if the Agency has reason to believe that a person has engaged, is
29 engaging or is about to engage in a violation of ORS 696.020(2) the Agency may, issue an
30 order directing a person to cease and desist from the violation or threatened violation.

1 Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this
2 matter.

3 I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and
4 understand that the Order which follows hereafter, which I have also read and understand,
5 may be completed and signed by the Real Estate Commissioner or may be rejected by the
6 Real Estate Commissioner. I further understand that, in accordance with the provisions of
7 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News
8 Journal.

9 In addition to all of the above, I agree that once the Commissioner executes this
10 Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby
11 waive the right to challenge the validity of service.


12 ORDER

13 IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Beall immediately cease and
14 desist from engaging in any professional real estate activity as defined in ORS 696.010(17)(a)
15 to (n) (2021 Edition) unless Beall first obtains a real estate license from the Agency. The
16 Commissioner's authority for this order is under ORS 696.397.

17 IT IS FURTHER ORDERED that, pursuant to ORS 696.990 and based upon the
18 violation set forth above, Beall pay a civil penalty in the sum of \$100, said penalty to be paid to
19 the General Fund of the State Treasury by paying the same to the Agency.

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21 IT IS SO STIPULATED:

IT IS SO ORDERED:

22
23 
24 _____
25 JACK BEALL

DocuSigned by:

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26 STEVEN STRODE
Real Estate Commissioner



27 Date 8/22/2022

28 Date 8/25/2022 | 8:11 AM PDT

29 Date of Service: 08/25/2022