

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Broker  
License of  
JOSEPH JOHN ZIKA III

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Joseph John Zika III (Zika) 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.

**Findings of Fact:**

1.1 Zika was licensed as a broker working under the registered business name Bend Premier Real Estate LLC (Bend Premier). Zika’s license expired on November 1, 2021. Currently, Zika’s license remains expired.

1.2 On March 30, 2022, the Agency received a complaint from Patrick Priest against Zika and the Agency opened an investigation.

1.3 On September 16, 2021, Zika listed property located at 12227 SW Lords Place, Terrebonne, OR (subject property).

1.4 On October 1, 2021, the Agency sent a renewal notification to Zika stating his license would expire at the end of October 2021. On October 21, 2021, the Agency sent another notification to Zika regarding the upcoming license expiration.

1.5 The subject property closed on January 5, 2022, and Zika earned a commission on the sale. Zika continued conducting professional real estate activity as if actively licensed

1 working on the subject transaction, 65 days from when his license expired (November 1, 2021  
2 to January 5, 2022).

3 1.6 In his interview with Agency staff, Zika stated he had no idea his license was  
4 expired.

5 **Statements of Law:**

6 ORS 696.020(2) states an individual may not engage in, carry on, advertise or purport  
7 to engage in or carry on professional real estate activity, or act in the capacity of a real estate  
8 licensee, within this state unless the individual holds an active license as provided for in this  
9 chapter.

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

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

16 ORS 696.990(9) states for the purposes of subsection (4) of this section, any violation  
17 of ORS 696.020(2) that results from a failure of a real estate licensee to renew a license within  
18 the time allowed by law constitutes a single offense of unlicensed professional real estate  
19 activity for each 30-day period after expiration of the license during which the individual  
20 engages in professional real estate activity. A civil penalty imposed for a violation of ORS  
21 696.020(2) that results from a failure of a real estate licensee to renew a license within the time  
22 allowed by law is not subject to the minimum dollar amounts specified in subsection (4) of this  
23 section.

24 **Conclusion of Law:**

25 By conducting professional real estate activity over the course of 65 days after Zika's  
26 license expired, Zika violated ORS 696.020(2) and is subject to discipline or civil penalty  
27 pursuant to ORS 696.990(4) and (9).

28 2.

29 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a real  
30 estate license, whether by operation of law, order of the Real Estate Commissioner or decision

1 of a court of law, or the inactive status of the license, or voluntary surrender of the license by  
2 the real estate licensee does not deprive the commissioner of jurisdiction to: (1) proceed with  
3 an investigation of the licensee; (2) conduct disciplinary proceedings relating to the licensee;  
4 (3) Take action against a licensee, including assessment of a civil penalty against the licensee  
5 for a violation of ORS 696.020(2); or (4) revise or render null and void an order suspending or  
6 revoking a license.

7 3.

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

10 4.

11 STIPULATION AND WAIVER

12 I, Joseph John Zika III, have read and reviewed this Stipulated Final Order and its  
13 Findings of Fact, Statements of Law and Conclusions of Law. I understand that the Findings  
14 of Fact, Conclusions of Law and this Stipulation and Waiver of Hearing rights embody the full  
15 and complete agreement and stipulation between the Agency and me. I further understand  
16 that if I do not agree with this stipulation I have the right to request a Hearing on this matter  
17 and to be represented by legal counsel at such a Hearing. I also understand that any Hearing  
18 would be conducted in accordance with the procedures set forth in ORS Chapter 183 and in  
19 accordance with the Rules of Practice and Procedure adopted by the Attorney General of the  
20 State of Oregon. By signing this Stipulated Final Order I freely and voluntarily waive my rights  
21 to a Hearing, to representation by legal counsel at such a Hearing, and to judicial review of this  
22 matter.

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

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1 In addition to all of the above, I agree that once the Commissioner executes this  
2 Stipulated Final Order, I will accept service of the Stipulated Final Order by email, and hereby  
3 waive the right to challenge the validity of service.  
4

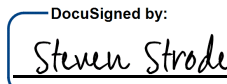
5 ORDER

6 IT IS HEREBY ORDERED that pursuant to ORS 696.990(1) to (9) and based upon the  
7 violation set forth above, Zika pay a civil penalty in the sum of \$600.00, said penalty to be paid  
8 to the General Fund of the State Treasury by paying the same to the Agency. The civil penalty  
9 is computed in accordance with ORS 696.990(4) and (9) in that each 30-day period of  
10 unlicensed activity is considered one violation. In this instance, there were two 30-day periods  
11 of unlicensed activity.  
12

13 IT IS SO STIPULATED:

IT IS SO ORDERED:

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15 DocuSigned by:  
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17 A0456F7908934B2...  
18 JOSEPH JOHN ZIKA III

DocuSigned by:  
  
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STEVEN STRODE



Real Estate Commissioner

19 Date 8/19/2022 | 9:20 AM PDT  
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Date 8/25/2022 | 8:12 AM PDT

Date of Service: 08/25/2022  
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