

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of
DEBORAH S MARTORANO) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Deborah Martorano (Martorano) 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 Martorano was licensed as a real estate broker with RE/MAX Key Properties.

1.2 On March 1, 2022, and March 25, 2022, the Agency sent emails notifying Martorano that her license would expire at the end of March.

1.3 On April 1, 2022, Martorano’s license expired. The same day, the Agency sent an email stating that the license had expired.

1.4 On April 3, 2022, Martorano submitted a renewal application to the Agency. The same day, the Agency sent an email stating that her online renewal was successfully completed. The email also stated “If you were in an expired active status prior to renewal, you will be required to be transferred by a principal broker or property manager. After your license has been transferred you will return to the active status.”

1.5 On April 4, 2022, the Agency sent Martorano an email stating that her license was pending. The email states that her Principal Broker must transfer her license back to the registered business name (RBN). The email states “You cannot conduct professional real

1 estate activity until your license is active". The email states her license must be transferred in
2 30 days or the license will go inactive. The email contains steps to reactivate her license.

3 1.6 Martorano was not transferred back into the RBN, and her license became
4 inactive effective April 3, 2022.

5 1.7 On November 28, 2022, Martorano completed her reactivation, and her Principal
6 Broker associated her with the RBN. Also, the same day, Martorano, sent an email to the
7 Agency self-reporting that her license had become inactive unknown to her and her principal
8 broker and that it was never her intent to operate under an inactive license. The Agency
9 opened an investigation.

10 1.8 On December 15, 2022, Agency Investigator/Financial Auditor, John Moore
11 (Moore) conducted an interview with Martorano. During the interview, Martorano told Moore
12 that she had been conducting professional real estate activity the whole time her license was
13 not active.

14 1.9 From April 1, 2022, through November 27, 2022, 240 days, while her license was
15 not active, Martorano continued conducting professional real estate activity as if actively
16 licensed.

17 **Statement of Law:**

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

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

1 **Conclusion of Law:** By conducting professional real estate activity over the course of
2 240 days after Martorano's license expired and then became inactive, Martorano violated ORS
3 696.020(2) (2021 Editions) and is subject to discipline or civil penalty pursuant to ORS
4 696.990(4) and (9).

5 2.

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

14 3.

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

17 4.

18 STIPULATION AND WAIVER

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

30 I hereby agree and stipulate to the above Findings of Fact and Conclusions of Law and
understand that the Order which follows hereafter, which I have also read and understand,
may be completed and signed by the Real Estate Commissioner or may be rejected by the

1 Real Estate Commissioner. I further understand that, in accordance with the provisions of
2 ORS 696.445(3), notice of this Order shall be published in the Oregon Real Estate News
3 Journal.

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

7 ORDER

8 IT IS HEREBY ORDERED that pursuant to ORS 696.990(1) to (9) and based upon the
9 violation set forth above, Martorano pay a civil penalty in the sum of \$500.00, said penalty to
10 be paid to the General Fund of the State Treasury by paying the same to the Agency. The civil
11 penalty is computed in accordance with ORS 696.990(4) and (9).

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IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:
Deborah S Martorano
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Deborah S. Martorano

DocuSigned by:
Steven Strode
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STEVEN STRODE



Date 2/16/2023 | 9:58 AM PST

Real Estate Commissioner
Date 2/17/2023 | 8:36 AM PST

Date of Service: 02/17/2023