REAL ESTATE AGENCY 1 BEFORE THE REAL ESTATE COMMISSIONER 2 3 4 In the Matter of the Unlicensed Professional Real Estate Activity of 5 STIPULATED FINAL ORDER AND ORDER 6 7 **GEORGE RENZ** TO CEASE AND DESIST 8 9 10 The Oregon Real Estate Agency (Agency) and George Renz (Renz) do hereby agree 11 and stipulate to the following: 12 FINDINGS OF FACT 13 **AND** 14 CONCLUSIONS OF LAW 15 1. 16 In establishing the violations set forth herein, the Agency may rely on one or more of the 17 definitions contained in ORS 696.010. 18 **First Findings of Fact:** 19 1.1 At all times mentioned herein, Renz was not licensed to conduct professional real 20 estate activity in Oregon. 21 1.2 On March 21, 2023, the Agency received a complaint from Bernard Woodard 22 (Woodard) against Renz. The Agency opened an investigation. 23 1.3 Woodard was the Operations Manager with Elk Island Trading Group, LLC (Elk 24 Island) and stated in the complaint that Renz agreed to represent Elk Island as 25 the buyers, while representing the sellers in the purchase of a property located in 26 Roseburg, Oregon (the Property). 27 1.4 On April 19, 2023, Renz emailed the Agency a June 2021 Commercial and 28 Residential Income Listing Agreement, a corrected June 2021 Listing Agreement, 29 along with 2022 and 2023 extension addendums for the Property. 30

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- 1.5 In an online search on LoopNet Agency Investigator Cidia Nañez (Nañez) found that a listing for the Property had been created on April 20, 2022. The listing contained a link to a "Marketing Brochure/Flyer" which stated the Property was exclusively listed by Renz.
- 1.6 On March 3, 2023, Renz wrote the Standard Offer, Agreement and Escrow Instructions for Purchase of Real Estate for the Property. Renz was listed as both the buyer's and the seller's agent.
- 1.7 According to Renz, when he agreed to represent the buyer and the sellers of the Property, he believed that his participation was exempt as an isolated transaction, since ORS 696.020(2) provides that actions needing a license must occur "within this state." Renz believed that meant his physical presence in Oregon, rather than the physical location of the listed property.

First Conclusion of Law: By listing, advertising and negotiating the sale of the Property without a real estate license in Oregon, Renz engaged in the professional real estate activity as defined in ORS 696.010(17)(a),(b),(c),(d),(i),(j) (2021 Edition), which is a violation of ORS 696.020(2) (2021 Edition). Renz is subject to a civil penalty under ORS 696.990(4)(a) (2021 Edition, as amended on January 1, 2023).

2.

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

3.

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

1 4.

STIPULATION AND WAIVER

I, George Renz, have read and reviewed this Stipulated Final Order and its Findings of Fact, Statements of Law and Conclusions of Law. I understand that the Findings of Fact, Conclusions of Law and this Stipulation and Waiver of Hearing rights 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. I also understand that any Hearing would be 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. By signing this Stipulated Final Order, 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, which I have also read and understand, may be completed and signed by the Real Estate Commissioner or may be rejected by the Real Estate Commissioner. I further 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.

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

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ORDER 1 IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Renz immediately cease 2 3 and desist from engaging in any professional real estate activity as defined in ORS 4 696.010(17)(a) to (n) (2021 Edition) unless the following applies: 1) Renz first obtains a real estate license from the Agency, or 2) Renz has a cooperative agreement in place with an 5 6 Oregon principal real estate broker and is following and meets all of the requirements found in 7 ORS 696.290(7). The Commissioner's authority for this order is under ORS 696.397. 8 IT IS FURTHER ORDERED that, pursuant to ORS 696.990 and based upon the violation set forth above, Renz pay a civil penalty in the sum of \$1,000.00, said penalty to be 9 paid to the General Fund of the State Treasury by paying the same to the Agency. 10 11 12 IT IS SO STIPULATED: IT IS SO ORDERED: 13 14 DocuSigned by: DocuSigned by: George L. Kens Steve Strode 15 16 **GEORGE RENZ** STEVEN STRODE 17 Real Estate Commissioner 18 Date 8/23/2023 | 1:02 PM PDT Date 9/6/2023 | 9:06 AM PDT 19 20 Date of Service: 9/6/2023 21 22 23 24 25 26 27 28 29 30