

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional
Real Estate Activity of
CHRISTY MARIE WARNER

STIPULATED FINAL ORDER AND ORDER
TO CEASE AND DESIST

The Oregon Real Estate Agency (Agency) and Christy Warner (Warner) 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, Warner was not licensed to conduct professional real estate activity in Oregon.

1.2 On October 25, 2022, Kathryn King (King) filed a complaint with the Agency against Warner stating that Warner is a former employee of King's company KJK Properties P.C. (KJK) and Warner is representing clients that have left KJK without a license.

1.3 King included in the complaint a rental advertisement listing Warner as the contact.

1.4 An investigation was opened and assigned to Agency Investigator/Financial Auditor Lindsey Nunes.

1.5 On December 28, 2022, Warner stated in an email to Nunes, that in September 2022 she started working part time for a property owner previously managed by KJK. Her

1 duties include scheduling and coordinating access for maintenance and repairs and answering
2 phones.

3 **Statement of Law:**

4 ORS 696.020(2) states an individual may not engage in, carry on, advertise or purport
5 to engage in or carry on professional real estate activity, or act in the capacity of a real estate
6 licensee, within this state unless the individual holds an active license as provided for in this
7 chapter. ORS 696.010(17)(h) defines professional real estate activity as any of the following
8 actions, when engaged in for another and for compensation or with the intention or in the
9 expectation or upon the promise of receiving or collecting compensation, by any person who:
10 (h) Engages in management of rental real estate.

11 ORS 696.010(14)(a)(A)(G) and (H) defines management of rental real estate activity as
12 any of the following actions, when engaged in for another and for compensation or with the
13 intention or in the expectation or upon the promise of receiving or collecting compensation, by
14 any person who: (a) Represents the owner of real estate under a property management
15 agreement in the rental or lease of the real estate and includes but is not limited to: (A)
16 Advertises the real estate for rent or lease; (G) Represents the owner in inspection or repair of
17 the real estate; and (H) Contracts for repair or remodeling of the real estate.

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

21 (a) Not less than \$100 nor more than \$500 for the first offense of unlicensed professional real
22 estate activity.

23 **Conclusion of Law:** By representing a property owner in the advertising, scheduling
24 and coordinating access for maintenance and repairs and answering phones with the
25 possibility that the call is a potential applicant, Warner engaged in the management of rental
26 real estate, as described in ORS 696.010(14)(a)(A)(G) and (H), and as such, engaged in
27 professional real estate activity described in ORS 696.010(17)(h) without a license, which is a
28 violation of ORS 696.020(2) (2021 Edition). Warner is subject to a civil penalty under ORS
29 696.990(4)(a) (2019 Edition).

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

9 3.

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

12 4.

13 STIPULATION AND WAIVER

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

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

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 ORDER


5 IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Christy Warner immediately
6 cease and desist from engaging in any professional real estate activity as defined in ORS
7 696.010(17)(a) to (n) (2021 Edition) unless Warner first obtains a real estate license from the
8 Agency. The Commissioner’s authority for this order is under ORS 696.397.

9 IT IS FURTHER ORDERED that, pursuant to ORS 696.990 and based upon the
10 violation set forth above, Warner pay a civil penalty in the sum of \$250.00, said penalty to be
11 paid to the General Fund of the State Treasury by paying the same to the Agency.

12
13 IT IS SO STIPULATED:

IT IS SO ORDERED:

14
15 DocuSigned by:

16 
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DocuSigned by:

18 
19 E2C2D0097AD8471...
20 STEVEN STRODE



21 Real Estate Commissioner

22 Date 3/17/2023 | 7:34 PM PDT

23 Date 3/20/2023 | 8:04 AM PDT

24 Date of Service: 03/20/2023