REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional Real Estate Activity of
DEREK JON MARTY

STIPULATED FINAL ORDER AND ORDER TO CEASE AND DESIST

The Oregon Real Estate Agency (OREA) and Derek Jon Marty (Marty) do hereby agree and stipulate to the following:

FINDINGS OF FACT

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CONCLUSIONS OF LAW

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

2. On March 18, 2014, OREA received an anonymous complaint alleging that Marty was engaged in professional real estate activity without having a real estate license to do so. The complaint included copies of email correspondence from Marty to the complainant. The printouts contained only the body of the emails, dates, times and recipient information was not included. The apparent purpose of these emails was to market available properties to potential buyers.

3. The emails included property descriptions, asking prices and prices for comparable properties. The advertisements also stated the properties were unlisted and owned by Marty's client, "an investor." In the emails Marty was representing the seller and marketing to potential buyers.

4. On September 17, 2014, OREA Investigator/Auditor, Frances Hlawatsch interviewed Marty. Marty stated he was the owner and operator of DJM Development which was based out of, and registered in Washington. Marty explained that DJM Development was
a "development consulting service," and worked on a contract basis for a couple of clients, usually two or three.

1.5 Marty explained the emails referenced in the original complaint were produced on behalf of his primary client/investor. He said this person pays him to market unlisted properties as development opportunities. Marty emails details about the properties to his contact list of builders, investors and brokers. He said most of this contact information was provided to him by title companies. If an email recipient is interested in one of the properties, Marty said he puts the potential buyer in contact with his client, the seller.

1.6 At the time of the interview, Marty said that DJM Development presently was working with 2 or 3 clients on about 5 different properties. He explained that he works for a couple of builders/investors but that the majority of his business comes from one main client who is an investor. Marty said his consultant fees are usually paid at an hourly rate plus expenses.

1.7 Marty also stated in his interview he had assisted clients with purchasing properties saying, "I sometimes work on the front end, helping clients establish and negotiate prices." "I ask sellers how much they want to sell for then determine the cost of permits, setting up utilities, taking into consideration sensitive areas, and then figure out what you can actually pay these people." He said he also determines the length of closing and, "hashes out the general structure of the deal." This information is presented to his clients, the potentially buyers, with a suggested price range. Marty said he is paid $35.00 per hour for this work.

1.8 Marty relayed an instance where he wrote up and submitted an offer on behalf of a client, for a listed property on MLS. He wrote up and submitted the offer which included a $2,000 consulting fee payable to himself. The seller declined the offer because they were unwilling to pay Marty’s fee. Marty rewrote the offer, removing his fee, resubmitted his offer and at the time of the interview (September 17, 2014) it had not been accepted.

1.9 Marty told Hlawatsch, he had previously considered an Oregon real estate license when he was a candidate for a position with a local commercial broker, but had decided the upfront cost of licensure was too expensive.

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2 of 4 – Stipulated Final Order- Derek Jon Marty
Violation: By advertising properties for sale on behalf of a seller, and connecting
buyers with the seller, for compensation, Marty violated ORS 696.020(2), which states an
individual may not engage in, carry on, advertise or purport to engage in or carry on
professional real estate activity, or act in the capacity of a real estate licensee, within this state
unless the individual holds an active license.

STIPULATION & WAIVER

I have read and reviewed the above findings of fact and conclusions of law which have
been submitted to me by OREA and further, the order which follows hereafter. I understand
that the findings of fact, conclusions of law and this stipulation and waiver embody the full and
complete agreement and stipulation between OREA 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. Hearings are 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. 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 may be completed and signed by the Real
Estate Commissioner or may be rejected by the Real Estate Commissioner.
ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Marty immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(14)(a) to (n) (2013 Edition) unless Marty first obtains a real estate license from the OREA. The Commissioner’s authority for this order is under ORS 696.397.

IT IS FURTHER ORDERED that, pursuant to ORS 696.990 and based upon the violation set forth above, Marty pay a civil penalty in the sum of $500.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to OREA.

IT IS SO STIPULATED:

DEREK JON MARTY

Date April 4th 2016

IT IS SO ORDERED:

GENE BENTLEY
Real Estate Commissioner

Date 4/18/16

Date of Service: 4-18-2016