REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of

AARON RIAN

STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Aaron Rian (Rian), in order to avoid the expense and risks of hearing and appeals “do hereby” agree to resolve this case and stipulate that the following findings, conclusions and order may be entered.

FINDINGS OF FACT
&
CONCLUSIONS OF LAW

1.

1.1 Rian was licensed as a principal broker doing business under the registered business name The Rian Group Real Estate (now called The Brokerage House, the name change occurred on January 16, 2019).

1.2 The Agency received several complaints regarding The Rian Group Real Estate (The Rian Group) and in August 2018, the Agency opened an investigation.

1.3 Rian was responsible for the following:

- All listing agents
- Marketing department operation and employees
- All advertising for The Rian Group

1.4 The Rian Group’s Inside Sale Team made numerous outbound calls each day to inquire if people were interested in listing their home, and if so, they would set up an appointment with a real estate licensee. The Inside Sales Team individuals were not licensed and were supervised by Rian.
1.5 A small claims civil suit was filed in Washington County, Oregon (Case No 175C14779) against Rian, The Rian Group and The Money Team Investments, LLC. The small claim suit resulted in a $7,740.00 judgement and money award against the defendants on July 7, 2017. Rian failed to notify the Agency of the judgement within the required 20 days. (1) Violation: By failing to report the July 7, 2017, $7,740.00 judgment Rian violated ORS 696.301(3) as it incorporates OAR 863-015-0175(1)(b)(4) (11-15-16 Edition), which requires a licensee to report any adverse judgment to the Agency within 20 calendar days after the licensee receives written notification of an adverse judgment.

1.6 Denise Garceau (Garceau) was contacted several times by The Rian Group’s Inside Sales Team regarding her daughter’s property. Garceau stated that a representative guaranteed if they sold the property they would get her 112% over asking price. (2) Violation: By failing to supervise and allow The Rian Group’s representative to guarantee that they could sell Denise Garceau’s daughter’s home for 112% over asking price during a phone call, Rian violated ORS 696.301(3) as it incorporates OAR 863-015-0125(10) and OAR 863-015-0140(3) (11-15-16 Edition). OAR 863-015-0125(10) states no advertising may guarantee future profits from any real estate activity. OAR 863-015-0140(3) requires a principal real estate broker to supervise and control the professional real estate activity at any main or branch office registered by the principal broker.

1.7 Haili Barber, an Oregon real estate broker had an active property listing when she received calls from The Rian Group. The first call was attempting to set up an appointment with the home owner of her listing. Barber’s assistant received a second call from The Rian Group and the caller asked her assistant during the call about the listing. The third call from The Rian Group was from a caller Everett Alcontra (Alcontra). Alcontra attempted to schedule an appointment for Barber with a real estate licensee from The Rian Group to provide a comparative market analysis for the listed property. (3) Violation: By allowing multiple call team representatives from The Rian Group to solicit a listing for a property that was actively listed by broker Haili Barber in 2018, Rian violated ORS 696.301(6) and (7) (2017 Edition). According to ORS 696.301(6) and (7) a licensee’s real estate license may be disciplined if they have: (6) intentionally interfered with the contractual relations of others concerning real estate or professional real estate activity; (7)
intentionally interfered with the exclusive representation or exclusive brokerage relationship of another real estate licensee.

1.8 The investigation found multiple instances where The Rian Group’s unlicensed Inside Sales Team representatives attempted to procure leads by calling the following individuals: Joseph West, Denise Garceau, Gary Koegler, Nancy Schoenberg, Haili Barber and Carol Koffel.

(4) Violation: By allowing The Rian Group’s unlicensed Inside Sales Team representatives to attempt to procure leads by calling above mentioned individuals Rian violated ORS 696.301(3) as it incorporates ORS 696.315(1) (2015 & 2017 Editions), which states a real estate licensee may not knowingly permit a nonlicensed individual to engage in professional real estate activity, with or on behalf of the licensee.

2.

2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301. Based on these violations a reprimand is appropriate for violations of ORS 696.301(3).

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

2.3 In establishing the violations alleged above, OREA may rely on one or more of the definitions contained in ORS 696.010.

2.4 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.

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STIPULATION & WAIVER

I have read and reviewed the above findings of fact and conclusions of law which have been submitted to me by the Agency 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 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. 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. I 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.

I agree once the Commissioner executes this stipulated order, I will accept service of the final order by email, and hereby waive the right to challenge the validity of service.

ORDER

IT IS HEREBY ORDERED that Rian's real estate principal broker license be, and hereby is reprimanded.

IT IS SO STIPULATED:

AARON RIAN

Date 4/5/20

IT IS SO ORDERED:

Steven Strode
Real Estate Commissioner

Date 5/7/20

Date of Service: 5/7/20