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2 **STATE OF OREGON**
3 **DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**
4 **DIVISION OF FINANCIAL REGULATION**

4 In the Matter of:

MSD 16-0084

5 Redd McCarty Realtors,

**Order to Cease and Desist and Consent to
6 Entry of Order**

7 Respondent.

8 The Director of the Department of Consumer and Business Services for the State of
9 Oregon (hereinafter “Director”) conducted an investigation into the activities of Redd McCarty
10 Realtors (RMR) and determined that RMR engaged in activities constituting a violation of
11 Oregon Revised Statutes (“ORS”) 446.661 et seq. (hereinafter “Oregon Manufactured Structure
12 Dealers and Dealerships Law”); and

13 WHEREAS RMR wishes to resolve and settle this matter with the Director;

14 NOW THEREFORE, as evidenced by the authorized signature subscribed on this
15 Consent Order, RMR hereby consents to entry of this order upon the Director’s Findings of Fact
16 and Conclusions of Law as stated hereinafter:

17 **FINDINGS OF FACTS**

18 The Director finds that:

19 1. On or about April 15, 2016, the Division was notified that RMR had sold a
20 manufactured structure but did not appear to have an Oregon manufacture structure dealers
21 (MSD) license.

22 2. The ensuing investigation by the Division revealed that RMR had an Oregon Real Estate
23 licenses but had never obtained an Oregon MSD license.

24 3. RMR is registered with the Oregon Secretary of State to do business in Oregon and was
25 first registered to with the Oregon Secretary of State in January of 2005. RMR is an assumed

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1 business name with three registrants. RMR's principal place of business is 315 SE 7th Street Ste.
2 2, Grants Pass, Oregon.

3 4. On or about November 7, 2014, RMR sold one manufactured structure. The structure ID
4 No. was 266651 and the listed sale price was \$33,000. The structure was located at 146 Blue
5 Spruce Lane, Grants Pass, Oregon.

6 CONCLUSIONS OF LAW

7 The Director concludes that:

8 1. RMR acted as a manufactured structure dealer on or about November 7, 2014, by
9 offering to sell and selling one manufactured structure for sale in Oregon without a license in
10 violation of ORS 446.671(1)(a).

11 ORDER

12 NOW, THEREFORE, the director issues the following orders:

13 1. Pursuant to ORS 446.748, the Director hereby orders RMR to cease and desist from
14 violating the Oregon Manufactured Structure Dealers and Dealership Law.

15 2. Pursuant to ORS 446.995, the Director may assess a civil penalty of up to \$5,000 for
16 each violation of the Oregon Manufactured Structure Dealers and Dealership Law.

17 3. Pursuant to ORS 446.995, the Director orders RMR to pay a civil penalty of \$1,500 for
18 one violation of ORS446.671(1)(a).

- 19 a. The Director hereby suspends payment of \$500 of the civil penalty for a period
20 of three years, so long as RMR makes a full timely payment of the civil penalty
21 as provided by the terms of this order, and so long as RMR does not violate the
22 Oregon Manufactured Structure Dealers and Dealership Law.
- 23 b. If RMR makes a full timely payment of the civil penalty, does not violate the
24 Oregon Manufactured Structure Dealers and Dealership Law or the terms of this
25 order, in three years from the date of the order, the suspended portion of the civil
26 penalty is waived.



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c. Along with the signed consent order, RMR agrees to submit the non-suspended portion of the civil penalty, \$1,000 on or before Friday, March 25, 2016.

4. The entry of this order in no way further limits remedies that may be available to the Director under Oregon law.

Dated this 17th day of March, 2016.

PATRICK M. ALLEN, Director
Department of Consumer and Business Services

/s/ David Tatman
David C. Tatman, Chief Enforcement Officer
Division of Financial Regulation

Division of Financial Regulation
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387



1 CONSENT TO ENTRY OF ORDER

2 I, /s/ Andrea McCarty, state that I am a co-owner of Redd McCarty
3 Realtors and that I am authorized to act on its behalf. I have read the foregoing order and fully
4 understand the contents hereof. I have been advised of the right to a hearing and of the right to
5 be represented by counsel in this matter. Redd McCarty Realtors voluntarily and without any
6 force or duress consents to the entry of this order expressly waiving any right to a hearing in
7 this matter. Redd McCarty Realtors understands that the Director reserves the right to take
8 further actions to enforce this order or to take appropriate action upon discovery of other
9 violations of the Manufactured Structure Dealers and Dealership Law. Redd McCarty Realtors
10 will fully comply with the terms and conditions stated herein.

11 Redd McCarty Realtors further assures the Director that neither Redd McCarty
12 Realtors, nor its owners, employees, or agents will engage in manufacture structure dealership
13 activities in Oregon unless such activities are in full compliance with the Oregon
14 Manufactured Structures Dealers and Dealership Law. Redd McCarty Realtors understands
15 that this consent order is a public document.

16 By /s/ A McCarty

17 Co-Owner
18 Title

19 State of Oregon)
20)ss.
21 County of Josephine)

22 This instrument was acknowledged before me on March 2, 2016
23 by /s/ Andrea McCarty.

24 /s/ Heidi J Provost
25 Notary Public for Oregon
26

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