

REAL ESTATE AGENCY
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Real Estate License of)
CODY GENE PEDEN) STIPULATED FINAL ORDER

The Oregon Real Estate Agency (Agency) and Cody Peden (Peden) do hereby agree and stipulate to the following:

FINDINGS OF FACT
AND
CONCLUSIONS OF LAW

1.

1.1 At all times mentioned herein, Peden was licensed as a real estate broker with Jeffrey A. Larkin, PC.

1.2 On November 10, 2023, the Agency received a complaint from Jamie Kruse (Kruse) against Peden. The Agency opened an investigation.

1.3 In their complaint, Kruse wrote that Peden was hired to list property located in Bend, Oregon (subject property) belonging to Claudia Peden (C. Peden) and David 'Steve' Peden (S. Peden). Kruse wrote that Peden wrote the purchase and sales agreement to benefit himself. Kruse also included that as the power of attorney for C. Peden and S. Peden, Kruse asked for a copy of the listing contract from Peden and did not receive a copy.

1.4 Peden provided the Agency with a response to the complaint. Peden explained that C. Peden and S. Peden are his aunt and uncle, and Kruse is his cousin. Peden wrote that the property to be listed needed a lot of work to be market ready. Peden offered to purchase the property, so that his aunt and uncle could move out. Peden stated he offered what he as an investor thought the house was worth.

1 1.5 Kruse provided the Agency with a copy of the purchase and sales agreement for
2 the subject property that she received from a title company. According to the terms of the
3 purchase and sales agreement, Peden offered \$500.00 as earnest money and to purchase the
4 subject property for \$600,000.00, with \$300,000.00 in the first position mortgage, and the seller
5 to carry \$300,000.00 in the second position mortgage. The agreement was electronically
6 signed by Peden, C. Peden, and S. Peden on October 24, 2023.

7 1.6 In an email to the Agency on March 4, 2024, Peden wrote that he did not deposit
8 \$500.00 earnest money when he opened escrow.

9 **(1) Conclusion of Law:** By failing to deposit the \$500.00 earnest money into escrow,
10 Peden violated ORS 696.301(3) and its implementing rule OAR 863-015-0257(6) 1/1/2023
11 Edition.

12 1.7 During a phone interview on February 16, 2024, with Agency Investigator
13 Lindsey Nunes (Nunes), C. Peden said that Peden originally asked them to take out a
14 \$300,000.00 loan and explained to them he would then sell the subject property for
15 \$600,000.00, and give them all the proceeds, including the loan they took out. C. Peden said
16 they didn't qualify for the loan.

17 1.8 Nunes asked C. Peden if Peden explained the terms of the purchase and sales
18 agreement. C. Peden said that Peden did not go through the contract with them, and they
19 never saw it. C. Peden said they were not asked to 'DocuSign' anything.

20 1.9 In an interview on February 22, 2024, Peden told Nunes that he took his
21 computer to the assisted living facility where C. Peden and S. Peden were living. Peden said
22 he explained the terms and conditions of the sales agreement, and they signed it together.
23 Peden said he set up emails for C. Peden and S. Peden, because he could not remember his
24 aunt's email address.

25 **(2) Conclusion of Law:** By failing to provide a copy of the purchase and sales agreement
26 to the sellers, Peden violated ORS 696.301(3) and its implementing rule OAR 863-015-
27 0135(2)(4) 1/1/2023 Edition.

28 1.10 On February 16, 2024, Nunes interviewed Peden's principal broker, Jeff Larkin
29 (Larkin). Larkin said he explained to Peden that all real estate transactions needed to go
30 through his company. Larkin said Peden never told him that he was writing the purchase and

1 sales agreement for the subject property, and he didn't know anything about the transaction
2 until Kruse called and told him.

3 1.11 Larkin told Nunes that he called Peden and asked about the transaction and
4 what escrow company Peden opened the purchase and sales agreement with. Larkin said
5 Peden told him he had not opened escrow yet.

6 1.12 Larkin explained he found out the next day that Peden did open escrow on the
7 subject property at Amerititle in Bend, Oregon. Larkin said he called Peden and told him he
8 needed to terminate the transaction immediately.

9 1.13 During an interview with Nunes on February 22, 2024, Peden explained that this
10 was his first transaction as a broker and he did not know he had to run his personal
11 transactions through his principal broker. Peden told Nunes that he told Larkin he had opened
12 escrow on the subject property.

13 **(3) Conclusion of Law:** By failing to transmit all documents and funds for the purchase of
14 the subject property through his principal broker, Peden violated ORS 696.301(3) and its
15 implementing rule OAR 863-015-0145(1)(b)(2)(3)(4) 1/1/2023 Edition. In addition, Peden
16 violated ORS 696.301(3) and its implementing rule OAR 863-015-0250(1)(c)(2) 1/1/2023
17 Edition.

18 1.14 All of the above demonstrates incompetence or untrustworthiness in performing
19 acts for which the real estate licensee is required to hold a license.

20 **(4) Conclusion of Law:** Based on the foregoing, Licensee is subject to discipline under
21 ORS 696.301(12) 2023 Edition.

22

23

2.

24 2.1 The foregoing violations are grounds for discipline pursuant to ORS 696.301.

25 2.2 The Agency reserves the right to investigate and pursue additional complaints
26 that may be received in the future regarding this licensee.

27 2.3 In establishing the violations alleged above, the Agency may rely on one or more
28 of the definitions contained in ORS 696.010.

29 ///

30 ///

3.

STIPULATION AND WAIVER

I, Cody Peden, 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.

///

///

///

///

///

///

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

ORDER

IT IS HEREBY ORDERED that Cody Peden’s broker license be, and hereby is reprimanded.

IT IS SO STIPULATED:

IT IS SO ORDERED:

DocuSigned by:
Cody Gene Peden
9F48A0E7EA474F0...
CODY PEDEN

DocuSigned by:
Steve Strode
E2C2D0097AD8471...
STEVEN STRODE



Date 5/17/2024 | 7:40 AM PDT

Date 5/17/2024 | 10:03 AM PDT

Date of Service: 5/17/2024