

REAL ESTATE AGENCY  
BEFORE THE REAL ESTATE COMMISSIONER

In the Matter of the Unlicensed Professional  
Real Estate Activity of  
SAMUEL S. FUNG

STIPULATED FINAL ORDER AND ORDER  
TO CEASE AND DESIST

The Oregon Real Estate Agency (Agency) and Samuel S. Fung (Fung) do hereby agree and stipulate to the following:

FINDINGS OF FACT  
&  
CONCLUSIONS OF LAW

1.

1.1. Fung previously held real estate licenses in Oregon between 2002 and 2012. On June 8, 2012, Fung's principal broker license was revoked. Since the revocation of Fung's license, Fung has not been licensed to conduct professional real estate activity in Oregon.

1.2 The Agency received an anonymous complaint with a commercial real estate advertisement from Loopnet. In the advertisement, Sam Fung of CW Tower Industries, LTD, offered a commercial building located at 523 Rossanley Dr., Medford Oregon for sale. The Agency opened an investigation.

1.3 Oregon Secretary of State website showed CW Tower Industries, LTD (CW Tower) as an active business with Rob Brenneman (Brenneman) listed as company president listed and Bob Robertson (Robertson) as the registered agent.

1.4 Fung described himself as retired, but also was a full time employee of CW Tower.

1.5 Fung's profile in the broker directory on Loopnet.com (commercial real estate advertising medium), noted his education and extensive experience in real estate and identified his professional specialty as "investment sale broker."

1           1.6     At the time Fung advertised the property, 523 Rossanley Drive in Medford,  
2 Oregon (523 Rossanley) was tilted to Robert C. Husel (R. Husel). 523 Rossanley is a  
3 commercial building that houses an automotive repair business owned by David Husel (D.  
4 Husel). R. Husel and D. Husel had been in negotiations for R. Husel to purchase 523  
5 Rossanley but could not reach an agreement. R. Husel's attorney, Robertson got involved and  
6 relayed an offer to sell to D. Husel.

7           1.7     Fung approached D. Husel and introduced himself as representing D. Husel's  
8 father, R. Husel in the sale of the property. Fung encouraged D. Husel to take R. Husel's initial  
9 asking price. D. Husel stated, "The one time I did speak to him in person on site he absolutely  
10 represented himself as the selling agent."

11          1.8     On March 9, 2020, D. Husel became aware of the commercial real estate listing  
12 of the property on the LoopNet website. D. Husel contacted Fung, whose name and phone  
13 number were included in the advertising as a point of contact regarding various errors in the  
14 advertisement.

15          1.9     Fung and D. Husel exchanged text messages about the advertisement, and  
16 Fung wrote to D. Husel, "Still like to help you buy the property," and informed D. Husel interest  
17 rates were low.

18          1.10    According to Fung, this transaction was separate from CW Tower business and  
19 was solely related to Robertson's legal representation of R. Husel. Per Fung there is no formal  
20 compensation arrangement with Robertson for this type of work, and sometimes he was not  
21 always paid for the work he does. Fung was not paid for his work on the Rossanley property  
22 but stated he might have been paid if he had procured a buyer for a successful transaction.

23 **(1) Violation:** By advertising, offering to sell, and attempting to negotiate for sale the  
24 property located at 523 Rossanley Drive, Medford, Oregon, Fung engaged in unlicensed  
25 professional real estate activity as defined in ORS 696.010(17)(b)(c)(d)(i) (2019 Edition), in  
26 violation ORS 696.020(2) (2019 Edition), which states; (2) An individual may not engage in,  
27 carry on, advertise or purport to engage in or carry on professional real estate activity, or act in  
28 the capacity of a real estate licensee, within this state unless the individual holds an active  
29 license as provided for in this chapter.

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1 1.11 In October 2020, Fung contacted property owner Beverly Gledhill on behalf of  
2 tenant Augie Benson to present a purchase offer for a commercial property located at 807  
3 Posse Lane in Medford, Oregon. Fung's email had an attached purchase and sale agreement  
4 with the offered purchase price of "four hundred million seventy-five thousand dollars," (this  
5 should have been \$455,000.00). In the agreement, Fung wrote in a fee for himself, payable to  
6 his company, Oregon Commercial, 3.75% for "procuring financing." The contract stated that  
7 Oregon Commercial would not be paid if financing was unsuccessful.

8 **(2) Violation:** By submitting an offer to purchase 807 Posse Lane, Medford, Oregon, on  
9 behalf of a buyer, Fung engaged in unlicensed professional real estate activity as defined in  
10 ORS 696.010(17)(b)(c)(i) (2019 Edition), in violation violated ORS 696.020(2) (2019 Edition),  
11 which states; An individual may not engage in, carry on, advertise or purport to engage in or  
12 carry on professional real estate activity, or act in the capacity of a real estate licensee, within  
13 this state unless the individual holds an active license as provided for in this chapter.

14 1.12 Fung's YouTube channel features property tours and walk-throughs. In the  
15 videos, he describes attributes of the buildings, locations and business that have occupied the  
16 properties in the past. In the comments under most videos Fung lists his name and phone  
17 number as the point in contact for the properties in question.

18 1.15 Fung advertised an undeveloped lot located on Luman Road, Phoenix, Oregon  
19 on his YouTube.com channel. Per Fung's attorney, this property was owned by a longtime  
20 friend of Fung.

21 **(3) Violation:** By advertising the undeveloped property located on Luman Road in Phoenix,  
22 Oregon, Fung engaged in unlicensed professional real estate activity as defined in ORS  
23 696.010(17)(c)(d)(i)(j) (2019 Edition), in violation of ORS 696.020(2) (2019 Edition) which  
24 states: An individual may not engage in, carry on, advertise or purport to engage in or carry on  
25 professional real estate activity, or act in the capacity of a real estate within this state unless  
26 the individual holds an active license as provided for in this chapter

27 2.

28 According to ORS 696.775, the lapsing, expiration, revocation or suspension of a real  
29 estate license, whether by operation of law, order of the Real Estate Commissioner or decision  
30 of a court of law, or the inactive status of the license, or voluntary surrender of the license by

1 the real estate licensee does not deprive the commissioner of jurisdiction to: (1) proceed with  
2 an investigation of the licensee; (2) conduct disciplinary proceedings relating to the licensee;  
3 (3) Take action against a licensee, including assessment of a civil penalty against the licensee  
4 for a violation of ORS 696.020(2); or (4) revise or render null and void an order suspending or  
5 revoking a license.

6 **STIPULATION & WAIVER**

7 I have read and reviewed the above findings of fact and conclusions of law which have  
8 been submitted to me by the Agency and further, the order which follows hereafter. I  
9 understand that the findings of fact, conclusions of law and this stipulation and waiver embody  
10 the full and complete agreement and stipulation between the Agency and me. I further  
11 understand that if I do not agree with this stipulation I have the right to request a hearing on  
12 this matter and to be represented by legal counsel at such a hearing. Hearings are conducted  
13 in accordance with the procedures set forth in ORS Chapter 183 and in accordance with the  
14 Rules of Practice and Procedure adopted by the Attorney General of the State of Oregon. I  
15 freely and voluntarily waive my rights to a hearing, to representation by legal counsel at such a  
16 hearing, and to judicial review of this matter.

17 I hereby agree and stipulate to the above findings of fact and conclusions of law and  
18 understand that the order which follows hereafter may be completed and signed by the Real  
19 Estate Commissioner or may be rejected by the Real Estate Commissioner. I understand that,  
20 in accordance with the provisions of ORS 696.445(3), notice of this order shall be published in  
21 the Oregon Real Estate News Journal. I agree once the Commissioner executes this stipulated  
22 order, I will accept service of the final order by email, and hereby waive the right to challenge  
23 the validity of service.

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ORDER

IT IS HEREBY ORDERED that, pursuant to ORS 696.397, Fung immediately cease and desist from engaging in any professional real estate activity as defined in ORS 696.010(17)(a) to (n) (2019 Edition). 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, Fung pay a civil penalty in the sum of \$2,500.00, said penalty to be paid to the General Fund of the State Treasury by paying the same to the Agency.

IT IS SO STIPULATED:

IT IS SO ORDERED:

  
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SAMUEL S. FUNG

Date July 1<sup>st</sup>, 2021

DocuSigned by:  
  
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STEVEN STRODE



Real Estate Commissioner  
Date 7/21/2021 | 7:48 AM PDT

Date of Service: 07/21/2021