

FILED  
MAR 11 2004  
DEPARTMENT OF REAL ESTATE

*[Handwritten signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-28035 LA  
HOLLIS BRUCE LANG, )  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On July 27, 1999, a Decision was rendered herein revoking Respondent's real estate salesperson license but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent or about August 25, 1999, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On June 19, 2002, Respondent petitioned for Reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of said petition.

1  
2 I have considered the petition of Respondent and  
3 the evidence and arguments in support thereof. Respondent  
4 has demonstrated to my satisfaction that Respondent meets  
5 the requirements of law for the issuance to Respondent of  
6 an unrestricted real estate salesperson license and that  
7 it would not be against the public interest to issue said  
8 license to Respondent HOLLIS BRUCE LANG.

9 NOW, THEREFORE, IT IS ORDERED that Respondent's  
10 petition for reinstatement is granted and that a real estate  
11 salesperson license be issued to Respondent, if Respondent  
12 satisfies the following conditions within nine (9) months  
13 from the date of this Order:


14 1. Submittal of a completed application and payment  
15 of the fee for a real estate salesperson license.

16 2. Submittal of evidence of having, since the most  
17 recent issuance of an original or renewal real estate license,  
18 taken and successfully completed the continuing education  
19 requirements of Article 2.5 of Chapter 3 of the Real Estate  
20 Law for renewal of a real estate license.

21 This Order shall be effective immediately.

22 Dated: March 3, 2004.

23 JOHN R. LIBERATOR  
24 Acting Real Estate Commissioner

25 

26 cc: Hollis Bruce Lang  
27 816 West Chester Place  
Long Beach, CA 90813

1 Department of Real Estate  
2 320 W. Fourth St., Suite 350  
3 Los Angeles, California 90013-1105  
4 Telephone: (213) 576-6982

FILED  
AUG 20 1999  
DEPARTMENT OF REAL ESTATE

By C. B. [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) NO. H-28035 LA  
12 ) L-1999030253  
13 SPAROW REALTY, doing business )  
as Century 21 Sparow Realty; )  
14 RANDALL A. SMITH, individually ) STIPULATION AND AGREEMENT  
and as designated officer of )  
Sparow Realty; and HOLLIS BRUCE )  
15 LANG, )  
Respondents. )  
16

17 It is hereby stipulated by and between SPAROW REALTY,  
18 doing business as Century 21 Sparow Realty and RANDALL A. SMITH,  
19 individually and as designated officer of Sparow Realty  
20 (sometimes referred to herein as "Respondents"), and their  
21 attorney of record, Frank M. Buda Esq. and the Complainant,  
22 acting by and through Darlene Averetta, Counsel for the  
23 Department of Real Estate, as follows for the purpose of  
24 settling and disposing of the Accusation filed on February 26,  
25 1999, in this matter.

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1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

2. Respondents have received, read and understand the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate ("Department") in this proceeding.

3. On March 8, 1999, Respondents filed a Notice of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents acknowledge that they understand that by withdrawing said Notice of Defense, they will thereby waive their right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that they will waive other rights afforded to them in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

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1                   4. This Stipulation and Agreement ("Stipulation") is  
2 based on the factual allegations contained in the Accusation  
3 filed in this proceeding. In the interest of expedience and  
4 economy, Respondents choose not to contest these factual  
5 allegations, but to remain silent and understand that, as a  
6 result thereof, these factual allegations, without being  
7 admitted or denied, will serve as a prima facie basis for the  
8 disciplinary action stipulated to herein. This Stipulation and  
9 Respondents' decision not to contest the Accusation are hereby  
10 expressly limited to this proceeding and made for the sole  
11 purpose of reaching an agreed disposition of this proceeding.  
12 Respondents' decision not to contest the factual allegations is  
13 made solely for the purpose of effectuating this Stipulation and  
14 is intended to be non-binding upon them in any actions against  
15 Respondents by third parties. The Real Estate Commissioner  
16 shall not be required to provide further evidence  
17 to prove said factual allegations.

18                   5. This Stipulation and any Order made pursuant  
19 to this Stipulation shall have no collateral estoppel or  
20 res judicata effect in any proceedings in which the Respondents  
21 and the Department (or the Department's representative) are not  
22 parties. This Stipulation is made by Respondents and received  
23 by the Commissioner and the Department with the express  
24 understanding and agreement that it is for the purpose of  
25 settling these proceedings only, and that this Stipulation is  
26 not intended as, and shall not be deemed, used, or accepted as  
27 an acknowledgment or admission of fact in any other judicial,

1 administrati or other proceeding to which the Department is  
2 not party.

3 6. It is understood by the parties that the Real  
4 Estate Commissioner may adopt the Stipulation as his Decision in  
5 this matter, thereby imposing the penalty and sanctions on  
6 Respondents' real estate licenses and license rights as set  
7 forth in the below "Order". In the event that the Commissioner  
8 in his discretion does not adopt the Stipulation, it shall be  
9 void and of no effect, and Respondents shall retain the right to  
10 a hearing and proceeding on the Accusation under all the  
11 provisions of the APA and shall not be bound by any stipulation  
12 or waiver made herein.

13 7. The Order or any subsequent Order of the Real  
14 Estate Commissioner made pursuant to this Stipulation shall  
15 not constitute an estoppel, merger or bar to any further  
16 administrative proceedings by the Department with respect to  
17 any matters which were not specifically alleged to be causes  
18 for accusation in this proceeding.

19 DETERMINATION OF ISSUES

20 By reason of the foregoing stipulations and waivers  
21 and solely for the purpose of settlement of the pending  
22 Accusation without a hearing, it is stipulated and agreed that  
23 the following Determination of Issues shall be made:

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I

1  
2 The conduct, acts and/or omissions of Respondent,  
3 SPAROW REALTY, as alleged in the Accusation, are in violation  
4 of Business and Professions Code Section 10137, and are grounds  
5 for the suspension or revocation of Respondent's real estate  
6 license and license rights under the provisions of Business and  
7 Professions Code Section 10137.

8 II

9 The conduct, acts and/or omissions of Respondent,  
10 RANDALL A. SMITH, as alleged in the Accusation, are in violation  
11 of Business and Professions Code Section 10159.2, and are  
12 grounds for the suspension or revocation of Respondent's real  
13 estate licenses and license rights under the provisions of  
14 Business and Professions Code Section 10177(d).

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

17 A. All licenses and license rights of Respondent,  
18 SPAROW REALTY, under the Real Estate Law are suspended for a  
19 period of ninety (90) days from the effective date of this  
20 Decision; provided, however, that:

21 1. Sixty (60) days of said ninety (90) day suspension  
22 shall be stayed for one (1) year upon the following terms and  
23 conditions:

24 a. Respondent shall obey all laws, rules and  
25 regulations governing the rights, duties and responsibilities  
26 of a real estate licensee in the State of California; and  
27



1 b. That no final subsequent determination be made,  
2 after hearing or upon stipulation, that cause for disciplinary  
3 action occurred within one (1) year of the effective date of  
4 this Decision. Should such a determination be made, the  
5 Commissioner may, in his discretion, vacate and set aside the  
6 stay order and reimpose all or a portion of the stayed  
7 suspension. Should no such determination be made, the stay  
8 imposed herein shall be permanent.

9 2. If Respondent petitions, the initial thirty (30)  
10 days of said ninety (90) day suspension (or a portion thereof),  
11 shall be stayed upon condition that:

12 a. Respondent pays a monetary penalty pursuant to  
13 Section 10175.2 of the Business and Professions Code at the rate  
14 of \$100.00 for each day of the suspension, for a total monetary  
15 penalty of \$3,000.

16 b. Said payment shall be in the form of a  
17 cashier's check or certified check made payable to the Recovery  
18 Account of the Real Estate Fund. Said check must be delivered  
19 prior to the effective date of the Decision in this matter.

20 c. No further cause for disciplinary action  
21 against the real estate license of Respondent occurs within one  
22 (1) year from the effective date of the Decision in this matter.

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1 d. If Respondent fails to pay the monetary  
2 penalty in accordance with the terms and conditions of the  
3 Decision, the Commissioner may, without a hearing, order the  
4 immediate execution of all or any part of the thirty (30) day  
5 stayed suspension in which event the Respondent shall not be  
6 entitled to any repayment nor credit, prorated or otherwise, for  
7 money paid to the Department under the terms of this Decision.

8 e. If Respondent pays the monetary penalty and if  
9 no further cause for disciplinary action against the real estate  
10 license of Respondent occurs within one year from the effective  
11 date of the Decision, the remaining thirty (30) day stay hereby  
12 granted shall be permanent.

13 B. All licenses and license rights of Respondent,  
14 RANDALL A. SMITH, under the Real Estate Law are suspended for a  
15 period of ninety (90) days from the effective date of this  
16 Decision; provided, however, that said ninety (90) day  
17 suspension shall be stayed for one (1) year upon the following  
18 terms and conditions:

19 1. Respondent shall obey all laws, rules and  
20 regulations governing the rights, duties and responsibilities  
21 of a real estate licensee in the State of California; and

22 2. That no final subsequent determination be made,  
23 after hearing or upon stipulation, that cause for disciplinary  
24 action occurred within one (1) year of the effective date of  
25 this Decision. Should such a determination be made, the  
26 Commissioner may, in his discretion, vacate and set aside the  
27 stay order and reimpose all or a portion of the stayed



1 suspension. Should no such determination be made, the stay  
2 imposed herein shall be permanent.

3 DATED: August 5, 1999 *Darlene Averetta*  
4 DARLENE AVERETTA, Counsel for  
5 the Complainant, the Department  
6 of Real Estate  
7 \* \* \*

8 We have read the Stipulation and Agreement, have  
9 discussed it with our counsel, and its terms are understood by  
10 us and are agreeable and acceptable to us. We understand that  
11 we are waiving rights given to us by the California  
12 Administrative Procedure Act (including but not limited to  
13 Sections 11506, 11508, 11509 and 11513 of the Government Code),  
14 and we willingly, intelligently and voluntarily waive those  
15 rights, including the right of requiring the Commissioner to  
16 prove the allegations in the Accusation at a hearing at which we  
17 would have the right to cross-examine witnesses against us and  
18 to present evidence in defense and mitigation of the charges.

19 DATED: 8-4-99 *Randall A. Smith*  
20 SPAROW REALTY, Respondent, by  
21 Randall A. Smith, designated  
22 officer of Sparow Realty

23 DATED: 8-4-99 *Randall A. Smith*  
24 RANDALL A. SMITH, Respondent  
25 individually as designated  
26 officer of Sparow Realty

27 DATED: 7-15-89 *Frank M. Buda*  
FRANK M. BUDA, Esq.,  
Counsel for Respondents  
Approved as to Form

///

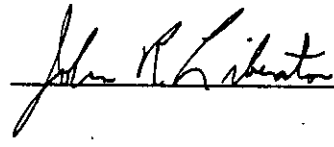


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The foregoing Stipulation and Agreement is hereby  
adopted as my Decision as to Respondents SPAROW REALTY and  
RANDALL A. SMITH and shall become effective at 12 o'clock noon  
on September 9, 1999.

IT IS SO ORDERED August 16, 1999.

JOHN R. LIBERATOR  
Acting Real Estate Commissioner

  
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1 Department of Real Estate  
320 W. Fourth St., Suite 350  
2 Los Angeles, California 90013-1105  
Telephone: (213) 576-6982

**FILED**  
AUG - 5 1999  
DEPARTMENT OF REAL ESTATE

By C. B.

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) NO. H-28035 LA  
12 SPAROW REALTY, doing business ) L-1999030253  
as Century 21 Sparow Realty; ) STIPULATION AND AGREEMENT  
13 RANDALL A. SMITH, individually )  
and as designated officer of )  
14 Sparow Realty; and HOLLIS BRUCE )  
LANG, )  
15 Respondents. )  
16

17 It is hereby stipulated by and between HOLLIS BRUCE  
18 LANG (sometimes referred to herein as "Respondent"), and the  
19 Complainant, acting by and through Darlene Averetta, Counsel for  
20 the Department of Real Estate, as follows for the purpose of  
21 settling and disposing of the Accusation filed on February 26,  
22 1999, in this matter.

23 1. All issues which were to be contested and all  
24 evidence which was to be presented by Complainant and Respondent  
25 at a formal hearing on the Accusation, which hearing was to be  
26 held in accordance with the provisions of the Administrative  
27 Procedure Act (APA), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this  
2 Stipulation and Agreement.

3           2. Respondent has received, read and understands  
4 the Statement to Respondent, the Discovery Provisions of the  
5 APA and the Accusation filed by the Department of Real Estate  
6 ("Department") in this proceeding.

7           3. On March 8, 1999, Respondent filed a Notice of  
8 Defense pursuant to Section 11506 of the Government Code for  
9 the purpose of requesting a hearing on the allegations in the  
10 Accusation. Respondent hereby freely and voluntarily withdraws  
11 said Notice of Defense. Respondent acknowledges that he  
12 understands that by withdrawing said Notice of Defense, he will  
13 thereby waive his right to require the Commissioner to prove the  
14 allegations in the Accusation at a contested hearing held in  
15 accordance with the provisions of the APA and that he will waive  
16 other rights afforded to him in connection with the hearing such  
17 as the right to present evidence in defense of the allegations in  
18 the Accusation and the right to cross-examine witnesses.

19           4. This Stipulation and Agreement ("Stipulation") is  
20 based on the factual allegations contained in the Accusation  
21 filed in this proceeding. In the interest of expedience and  
22 economy, Respondent chooses not to contest these factual  
23 allegations, but to remain silent and understands that, as a  
24 result thereof, these factual allegations, without being admitted  
25 or denied, will serve as a prima facie basis for the disciplinary  
26 action stipulated to herein. This Stipulation and Respondent's  
27 decision not to contest the Accusation are hereby expressly



1 limited to this proceeding and made for the sole purpose of  
2 reaching an agreed disposition of this proceeding. Respondent's  
3 decision not to contest the factual allegations is made solely  
4 for the purpose of effectuating this Stipulation and is intended  
5 to be non-binding upon him in any actions against Respondent  
6 by third parties. The Real Estate Commissioner shall not be  
7 required to provide further evidence to prove said factual  
8 allegations.

9           5. This Stipulation and any Order made pursuant  
10 to this Stipulation shall have no collateral estoppel or  
11 res judicata effect in any proceedings in which the Respondent  
12 and the Department (or the Department's representative) are not  
13 parties. This Stipulation is made by Respondent and received  
14 by the Commissioner and the Department with the express  
15 understanding and agreement that it is for the purpose of  
16 settling these proceedings only, and that this Stipulation is  
17 not intended as, and shall not be deemed, used, or accepted as  
18 an acknowledgment or admission of fact in any other judicial,  
19 administrative or other proceeding to which the Department is  
20 not party.

21           6. It is understood by the parties that the Real  
22 Estate Commissioner may adopt the Stipulation as his Decision  
23 in this matter, thereby imposing the penalty and sanctions on  
24 Respondent's real estate license and license rights as set forth  
25 in the below "Order". In the event that the Commissioner in his  
26 discretion does not adopt the Stipulation, it shall be void and  
27 of no effect, and Respondent shall retain the right to a hearing





ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent,  
HOLLIS BRUCE LANG, under the Real Estate Law are revoked;  
provided, however, a restricted real estate salesperson license  
shall be issued to Respondent pursuant Section 10156.5 of the  
Business and Professions Code, if Respondent makes application  
therefor and pays to the Department of Real Estate the  
appropriate fee for the restricted license within 90 days from  
the effective date of this Decision. The restricted license  
issued to Respondent shall be subject to all of the provisions  
of Section 10156.7 of the Business and Professions Code and to  
the following limitations, conditions and restrictions imposed  
under authority of Section 10156.6 of that Code:

1. The restricted license issued to Respondent shall  
be suspended for a period of thirty (30) days from the effective  
date of issuance of a restricted license; provided, however, that  
if Respondent petitions, said thirty (30) day suspension (or a  
portion thereof) shall be stayed for one (1) year upon condition  
that:

a. Respondent pays a monetary penalty pursuant to  
Section 10175.2 of the Business and Professions Code at the rate  
of \$100.00 for each day of the suspension, for a total monetary  
penalty of \$3,000.

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1                   b. Said payment shall be in the form of a  
2 cashier's check or certified check made payable to the Recovery  
3 Account of the Real Estate Fund. Said check must be delivered  
4 prior to the effective date of the Decision in this matter.

5                   c. No further cause for disciplinary action  
6 against the real estate license of Respondent occurs within one  
7 (1) year from the effective date of the Decision in this matter.

8                   d. If Respondent fails to pay the monetary penalty  
9 in accordance with the terms and conditions of the Decision, the  
10 Commissioner may, without a hearing, order the immediate  
11 execution of all or any part of the stayed suspension in which  
12 event the Respondent shall not be entitled to any repayment nor  
13 credit, prorated or otherwise, for money paid to the Department  
14 under the terms of this Decision.

15                   e. If Respondent pays the monetary penalty and  
16 if no further cause for disciplinary action against the real  
17 estate license of Respondent occurs within one (1) year from  
18 the effective date of the Decision, the stay hereby granted  
19 shall become permanent.

20                   2. The restricted license issued to Respondent may  
21 be suspended prior to hearing by Order of the Real Estate  
22 Commissioner in the event of Respondent's conviction or plea  
23 of nolo contendere to a crime which is substantially related  
24 to Respondent's fitness or capacity as a real estate licensee.

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27 ///



1           6. Respondent shall, within nine (9) months from the  
2 effective date of this Decision, present evidence satisfactory to  
3 the Real Estate Commissioner that Respondent has, since the most  
4 recent issuance of an original or renewal real estate license,  
5 taken and successfully completed the continuing education  
6 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
7 for renewal of a real estate license. If Respondent fails to  
8 satisfy this condition, the Commissioner may order the suspension  
9 of the restricted license until the Respondent presents such  
10 evidence. The Commissioner shall afford Respondent the opportunity  
11 for a hearing pursuant to the Administrative Procedure Act to  
12 present such evidence.

13           7. Respondent shall, within six (6) months from  
14 the effective date of this Decision, take and pass the  
15 Professional Responsibility Examination administered by the  
16 Department, including the payment of the appropriate examination  
17 fee. If Respondent fails to satisfy this condition, the  
18 Commissioner may order suspension of the restricted license until  
19 Respondent passes the examination.

20 DATED: July 15, 1999

*Darlene Averetta*  
DARLENE AVERETTA, Counsel for  
the Department of Real Estate

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I have read the Stipulation and Agreement and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: July 12, 1999

Hollis Bruce Lang  
HOLLIS BRUCE LANG, Respondent

\* \* \*

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent HOLLIS BRUCE LANG and shall become effective at 12 o'clock noon on August 25, 1999.

IT IS SO ORDERED July 27, 1999.

JOHN R. LIBERATOR  
Acting Real Estate Commissioner

John R. Liberator

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of )  
 )  
SPAROW REALTY, dba Century 21 )  
Sparow Realty; RANDALL A. SMITH, )  
individually and as D.O. of )  
Sparow Realty; and HOLLIS BRUCE LANG, )

Case No. H-28035 LA

OAH No. L-1999030253

Respondent(s)

FILED  
MAY 17 1999  
DEPARTMENT OF REAL ESTATE

AMENDED NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

By C. 3

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on TUESDAY and WEDNESDAY, JUNE 29 and 30, 1999, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE.

Dated: May 17, 1999

By

Darlene Averetta  
DARLENE AVERETTA, Counsel

cc: Sparow Realty  
Randall A. Smith  
Hollis Bruce Lang  
Frank M. Buda, Esq.  
Sacto.  
OAH

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of ) Case No. H-28035 LA  
)  
SPAROW REALTY, dba Century 21 ) OAH No. L-1999030253  
Sparow Realty; RANDALL A. SMITH, )  
individually and as D.O. of )  
Sparow Realty; and HOLLIS BRUCE LANG, )  
\_\_\_\_\_)  
Respondent(s)

FILED  
MAR 30 1999  
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

By *[Signature]*

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105, on TUESDAY and WEDNESDAY, JUNE 29 and 30, 1999, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: March 30, 1999

By

*[Signature]*  
DARLENE AVERETTA, Counsel

cc: Sparow Realty  
Randall A. Smith  
Hollis Bruce Lang  
Frank M. Buda, Esq.  
Sacto.  
OAH

CEB

RE 501 (La Mac 11/92)

1 DARLENE AVERETTA, Counsel  
2 State Bar No. 159969  
3 Department of Real Estate  
4 107 South Broadway, Room 8107  
5 Los Angeles, California 90012

6 (213) 897-3937

FILED  
FEB 26 1999  
DEPARTMENT OF REAL ESTATE

By CSM

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of

12 SPAROW REALTY, doing business )  
13 as Century 21 Sparow Realty; )  
14 RANDALL A. SMITH, individually )  
15 and as designated officer of )  
16 Sparow Realty; and HOLLIS BRUCE )  
17 LANG, )

18 Respondents. )

NO. H-28035 LA

ACCUSATION

17 The Complainant, Thomas McCrady, a Deputy Real Estate  
18 Commissioner of the State of California, for cause of Accusation  
19 against SPAROW REALTY, doing business as Century 21 Sparow  
20 Realty; RANDALL A. SMITH, individually and as designated officer  
21 of Sparow Realty; and HOLLIS BRUCE LANG, is informed and alleges  
22 as follows:

23 1.

24 The Complainant, Thomas McCrady, a Deputy Real Estate  
25 Commissioner of the State of California, makes this Accusation  
26 in his official capacity.  
27

2.

1  
2 SPAROW REALTY, doing business as Century 21 Sparow  
3 Realty (hereinafter "SPAROW REALTY"), RANDALL A. SMITH,  
4 individually and as designated officer of Sparow Realty  
5 (hereinafter "SMITH"), and HOLLIS BRUCE LANG (hereinafter  
6 "LANG"), are presently licensed and/or have license rights  
7 under the Real Estate Law, Part 1 of Division 4 of the  
8 California Business and Professions Code (hereinafter "Code").

9 3.

10 At all times material herein, SPAROW REALTY was and now  
11 is licensed by the Department of Real Estate of the State of  
12 California (hereinafter "Department") as a corporate real estate  
13 broker, by and through SMITH, as the designated officer and  
14 broker responsible, pursuant to the provisions of Code Section  
15 10159.2 for the supervision and control of the activities  
16 conducted on behalf of SPAROW REALTY by SPAROW REALTY's officers  
17 and employees.

18 4.

19 At all times material herein, SMITH was and now is  
20 licensed by the Department, individually as a real estate broker,  
21 and as the designated officer of SPAROW REALTY. As the  
22 designated officer-broker, SMITH was and is responsible for the  
23 supervision and control of the activities conducted on behalf of  
24 SPAROW REALTY by SPAROW REALTY's officers and employees, as  
25 necessary to secure full compliance with the Real Estate Law,  
26 pursuant to Code Section 10159.

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5.

LANG is presently licensed by the Department as a real estate salesperson. Respondent was originally licensed by the Department as a real estate salesperson on December 7, 1984. On or about January 9, 1993, LANG's license expired. Said license was not renewed until July 30, 1998. From approximately August 26, 1992 to April 17, 1998, LANG was employed by SPAROW REALTY and/or SMITH.

6.

All further references to "Respondents", unless otherwise specified, include the parties identified in Paragraphs 1 through 4, above, and also include the officers, directors, employees, agents and real estate licensees employed by or associated with said parties, who at all times herein mentioned were engaged in the furtherance of the business or operations of said parties and who were acting within the course and scope of their authority and employment.

7.

At all times material herein, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California, within the meaning of Code Section 10131(a), for another or others, for or in expectation of compensation. Said activity included the operation and conduct of a real property sale business with the public wherein Respondents engaged in the sale or offer to sell, purchase or offer to purchase, sollicitaion or obtaining listings of, or negotiation of the purchase, sale or exchange of real



1 property or a business opportunity.

2 FIRST CAUSE OF ACCUSATION

3 (Violations of Code Sections 10130 and 10137)

4 8.

5 In or about the first quarter of 1998, during a period  
6 of time when LANG's license had expired, Respondent LANG for and  
7 on behalf of Respondents SPAROW REALTY and SMITH, executed a  
8 "Listing Agreement, Exclusive Authorization and Right to Sell"  
9 (hereinafter "Listing Agreement"). Said listing was for property  
10 located at 3198 Pasadena Avenue, Long Beach, California  
11 (hereinafter "Property"). The sellers of the Property were  
12 Evelyn and Robert Gottfried (hereinafter "Sellers").

13 9.

14 Thereafter LANG represented the Sellers in their sale  
15 of the Property. Lang signed the Real Estate Purchase Contract  
16 and Receipt for Deposit and the Final Counter Offer, as the agent  
17 of the Sellers, and on behalf of Respondents SPAROW REALTY and  
18 SMITH. In addition, the Multiple Listing Service identified LANG  
19 as the selling agent for the Property.

20 10.

21 On or about April 3, 1998, sale escrow no. 84951SD was  
22 opened at Anchor Seaport Escrow for the Property. The escrow  
23 documents indicated that LANG of C-21 Sparow Realty was to  
24 receive a commission in the amount of Eight Thousand Eight  
25 Hundred and Fifty Dollars (\$8,850). Escrow closed on or about  
26 May 8, 1998.

27 ///



11.

1  
2 In the course of the activities described in  
3 Paragraph 7, above, Respondents SPAROW REALTY and SMITH employed  
4 and/or compensated LANG, to perform acts requiring a real estate  
5 license, within the meaning of Code Section 10131(d), for another  
6 or others including, but not necessarily limited to, the Sellers.

12.

7  
8 Respondents SPAROW REALTY and SMITH knew or should have  
9 known that LANG's license had expired and that he was not, at the  
10 time, licensed by the Department as a real estate salesperson or  
11 as a real estate broker.

13.

12  
13 The conduct, acts and/or omissions of Respondents  
14 SPAROW REALTY and SMITH, in employing LANG, as described herein  
15 above, constitutes cause for the suspension or revocation of all  
16 real estate licenses and license rights of Respondents SPAROW  
17 REALTY and SMITH, under the provisions of Code Section 10137.

14.

18  
19 LANG was employed and/or compensated by SPAROW REALTY  
20 and SMITH, to perform acts requiring a real estate license as  
21 described in Code Section 10131(a), during a period of time when  
22 LANG was not licensed by the Department.

23 ///

24 ///

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15.

1 The conduct, acts and/or omissions of LANG, as  
2 described in hereinabove, violated Code Section 10130, and  
3 constitutes cause for the suspension or revocation of LANG's  
4 real estate license and license rights under the provisions of  
5 Code Section 10177(d).  
6

7 16.

8 The conduct, acts and/or omissions of LANG, as  
9 described in Paragraph 13 above, are grounds to deny a license  
10 under Code Section 480(a)(3), and is cause for suspension or  
11 revocation of LANG's real estate license and license rights under  
12 the provisions of Code Section 10177(f).  
13

14 SECOND CAUSE OF ACCUSATION

15 (Violation of Code Section 10159.2)

16 17.

17 Complainant incorporates herein by reference the  
18 Preamble and the allegations of Paragraphs 1 through 16,  
19 inclusive, herein above.  
20

21 18.

22 The conduct, acts and/or omissions, of Respondent  
23 SMITH, as described herein above, in allowing SPAROW REALTY to  
24 violate the Real Estate Law, constitutes a failure by SMITH,  
25 as the officer designated by a corporate broker licensee, to  
26 exercise the supervision and control over the activities of  
27 SPAROW REALTY, as required by Code Section 10159.2, and is cause  
to suspend or revoke the real estate licenses and license rights  
of SMITH under Code Sections 10177(d) and/or 10177(h).



1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and license rights of Respondents,  
5 SPAROW REALTY, doing business as Century 21 Sparow Realty;  
6 RANDALL A. SMITH, individually and as designated officer of  
7 Sparow Realty; and HOLLIS BRUCE LANG, under the Real Estate Law  
8 (Part 1 of Division 4 of the Business and Professions Code), and  
9 for such other and further relief as may be proper under other  
10 applicable provisions of law, including as to Respondents,  
11 SPAROW REALTY and RANDALL A. SMITH, the imposition of a fine of  
12 up to \$10,000 pursuant to the provisions of Section 10139.5 of  
13 the Business and Professions Code.

14 Dated at Los Angeles, California  
15 this 26th day of February, 1999.

16  
17 THOMAS McCRADY  
18 Deputy Real Estate Commissioner  
19  
20  
21  
22  
23  
24

25 cc: Sparow Realty  
26 Randall A. Smith  
27 Hollis Bruce Lang  
Sacto  
CGT