

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007
4 Telephone: (916) 576-8700

FILED

JAN 22 2021

DEPARTMENT OF REAL ESTATE
By SK-Kraep

7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of:) Case No. H-6923 SAC
11)
12 MADISON REAL ESTATE) STIPULATION AND AGREEMENT
13 PROFESSIONALS, INC..) IN SETTLEMENT AND ORDER
14 CORY ROBERT MEYER)
15 and JON WINSTON BAIRD,)
16 Respondents.)

17 It is hereby stipulated by and between Respondents MADISON REAL ESTATE
18 PROFESSIONALS, INC. ("MADISON"), CORY ROBERT MEYER ("MEYER"), acting by
19 and through their counsel Tyler Lalaguna, JON WINSTON BAIRD ("BAIRD"), acting in pro
20 per, and the Complainant, acting by and through Jason D. Lazark, Counsel for the Department
21 of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on
22 March 10, 2020, in this matter:

23 1. All issues which were to be contested and all evidence which was to be
24 presented by Complainant and Respondents MADISON, MEYER, and BAIRD (collectively
25 referred to herein as "Respondents") at a formal hearing on the Accusation, which hearing was
26 to be held in accordance with the provisions of the Administrative Procedure Act ("APA"),
27 shall instead and in place thereof be submitted solely on the basis of the provisions of this
Stipulation and Agreement In Settlement and Order ("Stipulation and Agreement").

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

4 3. Respondents filed Notices of Defense pursuant to Section 11505 of the
5 Government Code for the purposes of requesting a hearing on the allegations in the
6 Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.
7 Respondents acknowledge that they understand that by withdrawing said Notices of Defense
8 they will thereby waive their rights to require the Real Estate Commissioner ("Commissioner")
9 to prove the allegations in the Accusation at a contested hearing held in accordance with the
10 provisions of the APA, and that they will waive other rights afforded to them in connection
11 with the hearing such as the right to present evidence in defense of the allegations in the
12 Accusation and the right to cross-examine witnesses.

13 4. Respondents, pursuant to the limitations set forth below, hereby admit that
14 the factual allegations as set forth in the Accusation filed in this proceeding are true and correct
15 and the Commissioner shall not be required to provide further evidence of such allegations.

16 5. This Stipulation and Agreement is made for the purpose of reaching an
17 agreed disposition of this proceeding and is expressly limited to this proceeding and any other
18 proceeding or case in which the Department, the state or federal government, any agency of
19 this state, or an agency of another state is involved.

20 6. It is understood by the parties that the Real Estate Commissioner may adopt
21 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalties
22 and sanctions on Respondents' real estate licenses and license rights as set forth in the below
23 "Order." In the event that the Commissioner in his discretion does not adopt the Stipulation
24 and Agreement, it shall be void and of no effect, and Respondents shall retain the right to a
25 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be
26 bound by any admission or waiver made herein.

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ORDER

I. AS TO MADISON

All licenses and licensing rights of MADISON under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Order; provided, however, that:

1. Forty-five (45) days of said suspension shall be stayed upon the condition that MADISON petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant to Section 10175.2 of the Code, at a rate of \$50 for each day of the suspension, for a total monetary penalty of \$2,250.

a. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. Said check must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Order.

b. No further cause for disciplinary action against the real estate license of MADISON occurs within two (2) years from the effective date of the Order in this matter.

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

d. If MADISON pays the monetary penalty, and if no further cause for disciplinary action against the real estate license of MADISON occurs within two (2) years from the effective date of the Decision herein, then the stay hereby granted shall become permanent.

2. The remaining forty-five (45) days of said suspension shall also be stayed for two (2) years upon the following terms and conditions:

1 a. MADISON shall obey all laws, rules and regulations governing the
2 rights, duties and responsibilities of a real estate licensee in the State of California, and

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

9 II. AS TO MEYER

10 All licenses and licensing rights of MEYER under the Real Estate Law are
11 suspended for a period of ninety (90) days from the effective date of this Order; provided,
12 however, that:

13 1. Forty-five (45) days of said suspension shall be stayed upon the condition that
14 MEYER petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty pursuant
15 to Section 10175.2 of the Code, at a rate of \$50 for each day of the suspension, for a total
16 monetary penalty of \$2,250.

17 a. Said payment shall be in the form of a cashier's check made payable to
18 the Department of Real Estate. Said check must be delivered to the Department of Real Estate,
19 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
20 Order.

21 b. No further cause for disciplinary action against the real estate license
22 of MEYER occurs within two (2) years from the effective date of the Order in this matter.

23 c. If MEYER fails to pay the monetary penalty in accordance with the
24 terms and conditions of the Decision, the Commissioner may, without a hearing, order the
25 immediate execution of all or any part of the stayed suspension, in which event, MEYER shall
26 not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the
27 Department under the terms of this decision.

1 d. If MEYER pays the monetary penalty, and if no further cause for
2 disciplinary action against the real estate license of MEYER occurs within two (2) years from
3 the effective date of the Decision herein, then the stay hereby granted shall become permanent.

4 2. The remaining forty-five (45) days of said suspension shall also be stayed for
5 two (2) years upon the following terms and conditions:

6 a. MEYER shall obey all laws, rules and regulations governing the
7 rights, duties and responsibilities of a real estate licensee in the State of California, and

8 b. That no final subsequent determination be made, after hearing or
9 upon stipulation, that cause for disciplinary action occurred within two (2) years from the
10 effective date of this Order. Should such a determination be made, the Commissioner may, in
11 his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
12 suspension. Should no such determination be made, the stay imposed herein shall become
13 permanent.

14 3. MEYER shall, within nine (9) months from the issuance of the Order, take
15 and pass the Professional Responsibility Examination administered by the Department, including
16 the payment of the appropriate examination fee. All licenses and licensing rights of MEYER
17 shall be indefinitely suspended unless or until MEYER passes the examination. In the event that
18 access to the location for taking the Professional Responsibility Examination is closed during
19 normal business hours, the Department shall extend the time for taking and passing the
20 Professional Responsibility Examination by the same amount of time that access to the test
21 location was closed.

22 III. AS TO BAIRD

23 All licenses and licensing rights of BAIRD under the Real Estate Law are
24 revoked; provided, however, a restricted real estate salesperson license shall be issued to BAIRD
25 pursuant to Section 10156.5 of the Code if BAIRD makes application therefore and pays to the
26 Department the appropriate fee for the restricted license within 90 days from the effective date of
27 this Decision.

1 1. The restricted license issued to BAIRD shall be subject to all of the provisions
2 of Section 10156.7 of the Code as to the following limitations, conditions and restrictions
3 imposed under authority of Section 10156.6 of that Code:

4 (a) The restricted license issued to BAIRD shall be suspended prior to hearing
5 by Order of the Commissioner in the event of BAIRD's conviction
6 (including by plea of guilty or nolo contendere) to a crime which is
7 substantially related to BAIRD's fitness or capacity as a real estate
8 licensee; and,

9 (b) The restricted license issued to BAIRD shall be suspended prior to hearing
10 by Order of the Commissioner on evidence satisfactory to the
11 Commissioner that BAIRD has violated provisions of the California Real
12 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate
13 Commissioner, or conditions attaching to the restricted license.

14 2. With the application for license, or with the application for transfer to a new
15 employing broker, BAIRD shall submit a statement signed by the prospective employing real
16 estate broker on a form approved by the Department which shall certify as follows:

17 (a) That the employing broker has read the Decision which is the
18 basis for the issuance of the restricted license; and

19 (b) That the employing broker will carefully review all transaction
20 documents prepared by the restricted licensee and otherwise
21 exercise close supervision over the licensee's performance of
22 acts for which a license is required.

23 3. BAIRD shall not be eligible to apply for the issuance of an unrestricted real
24 estate license nor for removal of any of the conditions, limitations or restrictions of a restricted
25 license until two (2) years have elapsed from the effective date of this Decision. BAIRD shall
26 not be eligible for any unrestricted licenses until all restrictions attaching to the license have been
27 removed.

1 4. BAIRD shall notify the Commissioner in writing within 72 hours of any arrest
2 by sending a certified letter to the Commissioner at the Department of Real Estate, Legal Section
3 at Post Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of
4 BAIRD's arrest, the crime for which BAIRD was arrested and the name and address of the
5 arresting law enforcement agency. BAIRD's failure to timely file written notice shall constitute
6 an independent violation of the terms of the restricted license and shall be grounds for the
7 suspension or revocation of that license.

8 5. BAIRD shall, within nine (9) months from the effective date of this Decision,
9 present evidence satisfactory to the Commissioner that BAIRD has, since the most recent
10 issuance of an original or renewal real estate license, taken and successfully completed the
11 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
12 of a real estate license. If BAIRD fails to satisfy this condition, the Commissioner shall order the
13 suspension of the restricted license until the BAIRD presents such evidence. The Commissioner
14 shall afford BAIRD the opportunity for hearing pursuant to the APA to present such evidence.
15 Proof of completion of the continuing education courses must be delivered to the Department of
16 Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

17 6. BAIRD shall, within nine (9) months from the issuance of the Order, take
18 and pass the Professional Responsibility Examination administered by the Department,
19 including the payment of the appropriate examination fee. All licenses and licensing rights of
20 BAIRD shall be indefinitely suspended unless or until BAIRD passes the examination. In the
21 event that access to the location for taking the Professional Responsibility Examination is closed
22 during normal business hours, the Department shall extend the time for taking and passing the
23 Professional Responsibility Examination by the same amount of time that access to the test
24 location was closed.

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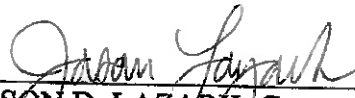
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1 III. AS TO MADISON, MEYER AND BAIRD JOINTLY AND SEVERALLY

2 All licenses and licensing rights of Respondents are indefinitely suspended
3 unless or until Respondents, jointly and severally, pay the sum of \$3,622.10 for the
4 Commissioner's reasonable cost of the investigation and enforcement which led to this
5 disciplinary action. Said payment shall be in the form of a cashier's check or certified check
6 made payable to the Real Estate Fund. The investigative and enforcement costs must be
7 delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA
8 95813-7013, prior to the effective date of this Decision and Order.

9
10 9-17-2020

11 DATED

12 
13 JASON D. LAZARK, Counsel
14 Department of Real Estate

15 * * *

16 Respondents have read the Stipulation and Agreement in Settlement and Order,
17 discussed it with their counsel, where appropriate, and its terms are understood by them and
18 are agreeable and acceptable to them. Respondents understand that they are waiving rights
19 given to them by the California APA (including but not limited to Sections 11506, 11508,
20 11509 and 11513 of the Government Code), and willingly, intelligently, and voluntarily waive
21 those rights, including the right of requiring the Commissioner to prove the allegations in the
22 Accusation at a hearing at which Respondents would have the right to cross-examine witnesses
23 against them and to present evidence in defense and mitigation of the charges.

24 Respondents further agree to send the original signed Stipulation and
25 Agreement by mail to the following address no later than one (1) week from the date the
26 Stipulation and Agreement is signed by me and my attorney: *Department of Real Estate, Legal*
27 *Section, P.O. Box 137007, Sacramento, California 95813-7007.*

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Respondents further understand and agree that if they fail to return the original signed Stipulation and Agreement by the due date, Complainant retains the right to set this matter for hearing.

DATED

CORY ROBERT MEYER
Designated Officer,
MADISON REAL ESTATE
PROFESSIONALS, INC.,
Respondent

DATED

CORY ROBERT MEYER,
Respondent

09/16/2020

DATED

Jon Winston Baird

JON WINSTON BAIRD,
Respondent

I have reviewed the Stipulation and Agreement as to form and content and have advised my client accordingly.

DATED

TYLER LALAGUNA,
Attorney for Respondents
MADISON REAL ESTATE
PROFESSIONALS, INC., and
CORY ROBERT MEYER

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on _____.

IT IS SO ORDERED _____, 2020.


REAL ESTATE COMMISSIONER

DOUGLAS R. McCAULEY

1 Respondents further understand and agree that if they fail to return the original
2 signed Stipulation and Agreement by the due date, Complainant retains the right to set this
3 matter for hearing.


4 9-17-2020

5 DATED


6 CORY ROBERT MEYER
7 Designated Officer,
8 MADISON REAL ESTATE
9 PROFESSIONALS, INC.,
10 Respondent

11 9-17-2020

12 DATED


13 CORY ROBERT MEYER,
14 Respondent


15 DATED

16 JON WINSTON BAIRD,
17 Respondent

18 *I have reviewed the Stipulation and Agreement as to form and content and*
19 *have advised my client accordingly.*

20 9-17-2020

21 DATED


22 TYLER LALAGUNA,
23 Attorney for Respondents
24 MADISON REAL ESTATE
25 PROFESSIONALS, INC., and
26 CORY ROBERT MEYER

27 * * *

28 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
29 this matter and shall become effective at 12 o'clock noon on FEB 18 2021

30 IT IS SO ORDERED 10.19.20, 2020.

31 REAL ESTATE COMMISSIONER


32 DOUGLAS R. McCAULEY