

FILED

JUL 28 2022

DEPARTMENT OF REAL ESTATE

By *h dew*

1 Department of Real Estate
2 P.O. Box 137007
3 Sacramento, CA 95818-7007
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7 Telephone: (916) 576-8700

8 **BEFORE THE DEPARTMENT OF REAL ESTATE**
9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of
12 **BAY MOUNTAIN CORP.**
13 **and STEVEN JAMES LANG,**

14 Respondents.

No. H-12512 SF

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

15 It is hereby stipulated by and between BAY MOUNTAIN CORP. (BMC) and
16 STEVEN JAMES LANG (LANG), collectively Respondents, represented by Robert F. Hahn,
17 and the Complainant, acting by and through Megan Lee Olsen, Counsel for the Department of
18 Real Estate (Department), as follows for the purpose of settling and disposing of the First
19 Amended Accusation filed on November 2, 2021, in this matter:

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

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

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

13 4. This Stipulation is based on the factual allegations contained in the First
14 Amended Accusation. In the interest of expediency and economy, Respondents choose not to
15 contest these factual allegations, but to remain silent and understand that, as a result thereof,
16 these factual statements will serve as a prima facie basis for the "Determination of Issues" and
17 "Order" set forth below. The Commissioner shall not be required to provide further evidence to
18 prove such allegations.

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

26 6. This Decision and Order or any subsequent Order of the Commissioner
27 made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further

1 administrative or civil proceedings by the Department with respect to any matters which were
2 not specifically alleged to be causes for accusation in this proceeding.

3 7. Respondents understand that by agreeing to this Stipulation, Respondents
4 agree to pay, pursuant to Section 10106 of the Business and Professions Code (Code), the cost of
5 the investigation which resulted in the violations found in the Determination of Issues. The
6 amount of such costs is \$1,870.00.

7 DETERMINATION OF ISSUES

8 By reason of the foregoing stipulations, admissions and waivers, and solely for
9 the purpose of settlement of the pending First Amended Accusation without a hearing, it is
10 stipulated and agreed that the acts and/or omissions of Respondents, as described in the First
11 Amended Accusation, constitute grounds for the suspension or revocation of the licenses and
12 license rights of Respondents under the provisions of Sections 10176 (a), 10176 (b), 10176 (i),
13 10177(d), 10177 (g) and 10177 (j) of the Code.

14 ORDER

15 BAY MOUNTAIN CORP.

16 All licenses and licensing rights of BAY MOUNTAIN CORP., under the Real
17 Estate Law are revoked; provided, however, a restricted real estate broker corporation license
18 and restricted mortgage loan endorsement shall be issued to BMC pursuant to Section 10156.5 of
19 the Code if BMC makes application therefor and pays to the Department the appropriate fee for
20 the restricted license and restricted mortgage loan endorsement within 90 days from the effective
21 date of this Decision and Order. The restricted license and restricted mortgage loan endorsement
22 issued to BMC shall be subject to all of the provisions of Section 10156.7 of the Code and to the
23 following limitations, conditions and restrictions imposed under authority of Section 10156.6 of
24 the Code:

25 1. The restricted broker license and restricted mortgage loan endorsement
26 issued to BMC may be suspended prior to hearing by Order of the Commissioner on evidence
27 satisfactory to the Commissioner that BMC has violated provisions of the California Real Estate

1 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
2 attaching to the restricted license and restricted mortgage loan endorsement.

3 2. BMC shall not be eligible to apply for the issuance of an unrestricted real
4 estate license or unrestricted mortgage loan endorsement nor for removal of any of the
5 conditions, limitations or restrictions of a restricted license or restricted mortgage loan
6 endorsement until four (4) years have elapsed from the effective date of this Decision and Order.
7 BMC shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to
8 the license and mortgage loan endorsement have been removed.

9 STEVEN JAMES LANG

10 All licenses and licensing rights of STEVEN JAMES LANG under the Real
11 Estate Law are revoked; provided, however, a restricted real estate broker license and restricted
12 mortgage loan endorsement shall be issued to LANG pursuant to Section 10156.5 of the Code if
13 LANG makes application therefor and pays to the Department the appropriate fee for
14 the restricted license and restricted mortgage loan endorsement within 90 days from the effective
15 date of this Decision and Order. The restricted license and restricted mortgage loan endorsement
16 issued to LANG shall be subject to all of the provisions of Section 10156.7 of the Code and to
17 the following limitations, conditions and restrictions imposed under authority of Section 10156.6
18 of that Code:

19 3. The restricted broker license and restricted mortgage loan endorsement
20 issued to LANG may be suspended prior to hearing by Order of the Commissioner in the event
21 of LANG's conviction or plea of nolo contendere to a crime which is substantially related to
22 LANG's fitness or capacity as a real estate licensee.

23 4. The restricted broker license and restricted mortgage loan endorsement
24 issued to LANG may be suspended prior to hearing by Order of the Commissioner on evidence
25 satisfactory to the Commissioner that LANG has violated provisions of the California Real
26 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or
27 conditions attaching to the restricted license and restricted mortgage loan endorsement.

1 5. LANG shall not be eligible to apply for the issuance of an unrestricted
2 license or unrestricted mortgage loan endorsement nor for removal of any of the conditions,
3 limitations or restrictions of a restricted license or restricted mortgage loan endorsement until
4 four (4) years have elapsed from the effective date of this Decision and Order. LANG shall not
5 be eligible to apply for any unrestricted licenses until all restrictions attaching to the license and
6 mortgage loan endorsement have been removed.

7 6. LANG shall, within nine (9) months from the effective date of this
8 Decision and Order, present evidence satisfactory to the Commissioner that LANG has, since the
9 most recent issuance of an original or renewal real estate license, taken and successfully
10 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
11 Law for renewal of a real estate license. If LANG fails to satisfy this condition, LANG's real
12 estate license shall automatically be suspended until LANG presents evidence satisfactory to the
13 Commissioner of having taken and successfully completed the continuing education
14 requirement. Proof of completion of the continuing education courses must be delivered to the
15 Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013.

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

21 BAY MOUNTAIN CORP. (BMC) and STEVEN JAMES LANG (LANG)

22 8. Respondents shall, prior to the issuance of the restricted licenses and
23 restricted mortgage loan endorsements and as a condition of the issuance of said restricted
24 licenses and restricted mortgage loan endorsements, submit proof satisfactory to the
25 Commissioner of payment of restitution in the amount of \$2,000.00 to Ashley M. and
26 Edmund M. Proof of satisfaction of this requirement includes a copy of a cancelled check

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1 which must be delivered to the Department of Real Estate, Flag Section, at P.O. Box 137013,
2 Sacramento, CA 95813-7013.

3 9. All licenses and licensing rights of Respondents are indefinitely suspended
4 unless or until Respondents, jointly and severally, pay the sum of \$1,870.00 for the
5 Commissioner's reasonable cost of the investigation which led to this disciplinary action. Said
6 payment shall be in the form of a cashier's check made payable to the Department of Real Estate,
7 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
8 Stipulation.

9
10 5/6/22

11 DATED



12 MEGAN LEE OLSEN

13 Counsel for the Department of Real Estate

14 * * *

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

23 Respondents and Respondents attorney further agree to send the original signed
24 Stipulation by mail to the following address no later than one (1) week from the date the
25 Stipulation is signed by Respondents and Respondents' attorney: *Department of Real Estate,*
26 *Legal Section, P.O. Box 137007, Sacramento, California 95813-7007.* Respondents and
27 Respondents' attorney understand and agree that if they fail to return the original signed
Stipulation by the due date, Complainant retains the right to set this matter for hearing.

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05 MAY 2022
DATED


BAY MOUNTAIN CORP.
Respondent
By: STEVEN JAMES LANG
Designated Officer

05 MAY 2022
DATED


STEVEN JAMES LANG
Respondent

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

5/5/22
DATED


ROBERT F. HAHN
Attorney for Respondent

The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on AUG 18 2022.

IT IS SO ORDERED 7.8.22

DOUGLAS R. McCAULEY
Real Estate Commissioner

