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FILED

MAY 12 2022

DEPARTMENT OF REAL ESTATE

By X. Xupp

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:)
) DRE No. H-12583 SF
 HASTINGS REALTY GROUP, INC.,)
 and SAMMY LEE HASTINGS)
)
 Respondents.)

ORDER VACATING DECISION AND SETTING ASIDE DEFAULT

The original Accusation in these proceedings was filed on February 24, 2022. On February 24, 2022, the Accusation, together with a RE 505, "Statement to Respondent" form, and a RE 505A "Discovery Provisions" form were duly served upon Respondents by certified mail, returned receipt requested, and regular first-class mail, at the last mailing and business addresses provided by Respondents to the Department of Real Estate.

On March 30, 2022, no Notice of Defense having been filed herein by Respondent HASTINGS REALTY GROUP, INC. (HRG) within the time prescribed by Section 11506 of the Government Code, HRG's default was entered.

On April 25, 2022, a Decision was rendered revoking the corporate real estate broker license of Respondent HRG, effective May 16, 2022.

///

1 On April 26, 2022, good cause was presented to vacate the Decision of April 25,
2 2022, and to have the matter remanded to the Office of Administrative Hearings as a contested
3 matter.

4 NOW, THEREFORE, IT IS ORDERED that the Decision of April 25, 2022, is
5 vacated and that the Matter of the Accusation filed on February 24, 2022, is remanded to the
6 Office of Administrative Hearings.

7 This Order shall be effective immediately.

8 DATED: 5.4.22.

9 DOUGLAS R. McCAULEY
10 REAL ESTATE COMMISSIONER

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12 Douglas R. McCauley
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FILED
APR 25 2022
DEPARTMENT OF REAL ESTATE
By J. Taggart

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

HASTINGS REALTY GROUP, INC.,
and SAMMY LEE HASTINGS,

Respondents.

No. H-12583 SF
AS TO HASTINGS REALTY
GROUP, INC. ONLY

DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on March 30, 2022, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes real estate licenses on grounds of violations of the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code).

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondents.

FINDINGS OF FACT

On February 24, 2022, STEPHANIE YEE made the Accusation in her official capacity as a Supervising Special Investigator of the State of California against Respondent

HASTINGS REALTY GROUP, INC. (HRG). The Accusation, Statement to Respondents, and Notices of Defense were mailed, by certified mail, return receipt requested, to HRG's last known mailing address on file with the Department of Real Estate (Department) on February 24, 2022.

2

On March 30, 2022, no Notice of Defense from HRG having been received or filed herein within the time prescribed by Section 11506 of the Government Code, HRG's default was entered herein.

3

HRG was licensed by the Department as a corporate real estate broker at all times mentioned herein.

4

At all times mentioned, RESPONDENTS engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(a) of the Code, including the operation and conduct of a residential resale brokerage wherein RESPONDENTS bought, sold, or offered to buy or sell, solicited or obtained listings of, and negotiated the purchase, sale or exchange of real property or business opportunities, all for or in expectation of compensation.

5

In or around February of 2019, HASTINGS, acting on his own behalf and for HRG, agreed to be the listing agent for Seller of that certain real property commonly known as 2936 Griffith Street, San Francisco, California 94124 (Griffith Property).

6

On or about February 2, 2019, Thomas Bouldin (Buyer) made an offer with contingencies, which Seller accepted.

7

Buyer drafted a list of repairs to be done on the Griffith Property and signed the list on or about February 8, 2019 and Seller signed on or about February 20, 2019.

8

Seller hired Todd Z. to do the repairs, who on or about February 25, 2019, prepared a work proposal for those items on the list as well as foundational work. The estimate for the work was \$18,538.00, to which Seller and Buyer agreed.

On or about February 25, 2019, Buyer and Seller signed an Addendum with instructions regarding the release of payments to Todd Z. for the work on the Griffith Property. The instructions were that \$12,500 was to be released as a first payment, and up to \$12,500 was to be held and released on completion of the job, with any remaining money to be released to Seller.

Escrow closed on or about March 1, 2019, and RESPONDENTS failed to ensure that the Addendum instructs were carried out and allowed the entire \$25,000 to be released to Todd Z., despite the fact that the work on the Griffith Property was not complete.

The repairs were not completed until sometime in August of 2019, and not to the satisfaction of Buyer.

SECOND CAUSE OF ACTION

At all times herein above mentioned, HASTINGS, was responsible as the supervising broker for HRG, for the supervision and control of the activities conducted on behalf of HRG's business by its employees. HASTINGS failed to exercise reasonable supervision and control over the property management activities of HRG. In particular, HRG permitted, ratified and/or caused the conduct described above, to occur, and failed to take reasonable steps, including but not limited to handling of trust funds, supervision of employees, and the implementation of policies, rules, and systems to ensure the compliance of the business with the Real Estate Law and the Regulations.

DETERMINATION OF ISSUES

The acts or omissions of HRG's described above, constitute violations of Sections 10177(d) and 10177(g) of the Code.

The standard of proof applied was clear and convincing proof to a reasonable certainty.

All licenses and licensing rights of Respondent HASTINGS REALTY GROUP, INC., under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on MAY 16 2022.

DATED: 4.14.22.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley

1 Department of Real Estate
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

4 Telephone: (916) 576-8700

FILED

MAR 30 2022

DEPARTMENT OF REAL ESTATE

By R. Kuyper

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

11 * * *

12 In the Matter of the Accusation of:

13 HASTINGS REALTY GROUP, INC., and
14 SAMMY LEE HASTINGS,

15 Respondents.

No. H-12583 SF

DEFAULT ORDER

16 Respondent, HASTINGS REALTY GROUP, INC., having failed to file a Notice
17 of Defense within the time required by Section 11506 of the Government Code, is now in
18 default. It is, therefore, ordered that a default be entered on the record in this matter.

19 IT IS SO ORDERED MAR 30 2022

20 DOUGLAS R. McCAULEY
21 REAL ESTATE COMMISSIONER

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23 ce. 2
24 By: Chika Sunquist
25 Assistant Commissioner, Enforcement
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