

1 Department of Real Estate
2 320 West 4th Street, Ste. 350
3 Los Angeles, California 90013-1105
4 Telephone: (213) 576-6982

FILED

OCT 07 2019

DEPT. OF REAL ESTATE

Sybil Danna

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-41322 LA

12 OREGON TRAIL CORPORATION)

STIPULATION

13 and)

AND

14 CHRISTOPHER MARK,)
15 individually and as designated officer of)
16 Oregon Trail Corporation,)
17)
18)
19)

AGREEMENT

Respondents.)

20 It is hereby stipulated by and between Respondents OREGON TRAIL
21 CORPORATION ("OTC") and CHRISTOPHER MARK ("MARK"), and the Complainant,
22 acting by and through Julie L. To, Counsel for the Department of Real Estate ("Department" or
23 "DRE"), as follows for the purpose of settling and disposing of the Accusation ("Accusation")
24 filed on March 14, 2019, in Case No. H-41322 LA, in this matter.

25 ///

26
27 DRE Stipulation & Agreement – OREGON TRAIL CORPORATION & CHRISTOPHER MARK, H-41322 LA

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

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

9 3. On March 29, 2019, Respondents timely filed Notices of Defense pursuant to
10 Section 11506 of the Government Code for the purpose of requesting a hearing on the allegations
11 in the Accusation. Respondents hereby freely and voluntarily withdraw said Notices of Defense.
12 Respondents acknowledge that they understand that by withdrawing said Notices of Defense they
13 thereby waive their right to require the Commissioner to prove the allegations in the Accusation
14 at a contested hearing held in accordance with the provisions of the APA and that they will waive
15 other rights afforded to them in connection with the hearing such as the right to present evidence
16 in their defense and the right to cross-examine witnesses.

17 4. This Stipulation is based on the factual allegations contained in the Accusation.
18 In the interest of expedience and economy, Respondents choose not to contest these allegations,
19 but to remain silent, and understand that, as a result thereof, these factual allegations, without
20 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to
21 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
22 said factual allegations.

23 5. This Stipulation is made for the purpose of reaching an agreed disposition of
24 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
25 which the Department or another licensing agency of this state, another state, or if the federal
26

1 government is involved, and otherwise shall not be admissible in any other criminal or civil
2 proceeding.

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

10 7. The Order or any subsequent Order of the Real Estate Commissioner made
11 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
12 administrative or civil proceedings by the Department of Real Estate with respect to any matters
13 which were not specifically alleged to be causes for Accusation in this proceeding but do
14 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations
15 against Respondents herein.

16 8. Respondents understand that by agreeing to this Stipulation, Respondents agree
17 to pay, pursuant to Business and Professions Code ("Code") Section 10148, the cost of the audit
18 which resulted in the determination that Respondents committed the violations found in the
19 Determination of Issues. The amount of said costs for the original audit (LA160167) is
20 \$2,991.59. Respondents agree to pay, pursuant to Code Section 10148, \$2,991.59 for the cost of
21 Audit No. LA160167.

22 9. Respondents have received, read, and understand the "Notice Concerning
23 Costs of Subsequent Audit." Respondents further understand that by agreeing to this Stipulation,
24 the findings set forth below in the Determination of Issues become final, and the Commissioner
25 may charge Respondents for the cost of any subsequent audits conducted pursuant to Code
26

1 Section 10148 to determine if the violations have been corrected. The maximum cost of the
2 follow-up audits will not exceed one-hundred twenty-five percent (125%) of the cost of the
3 original audit; in the instant case, the cost of the original audit is \$2,991.59 and the maximum
4 cost of the follow-up audit (\$2,991.59 x 125%) will not exceed \$3,739.49. Therefore,
5 Respondents may be charged a maximum of \$3,739.49 in the event of a subsequent audit.

6 10. Respondents understand that by agreeing to this Stipulation, Respondents
7 agree to pay, pursuant to Code Section 10106, the Commissioner's cost of the investigation and
8 enforcement which resulted in the determination that Respondents committed the violations
9 found in the Determination of Issues. The amount of said investigation and enforcement costs is
10 \$1,309.75; therefore, Respondents agree to pay, pursuant to Code Section 10106, the amount
11 \$1,309.75.

12 DETERMINATION OF ISSUES

13 By reason of the foregoing stipulations, admissions and waivers, and solely for the
14 purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed
15 that the following determination of issues shall be made:

16 The conduct, acts or omissions of Respondents OTC and MARK as described in
17 Paragraph 4, herein above, are in violation of: Code Sections 10242 and 10232.25 and
18 Regulation 2846.8 and are bases for the suspension or revocation of the licenses and license
19 rights of Respondents OTC and MARK as a violation of the Real Estate Law pursuant to Code
20 Sections 10177(d) and 10177(g).

21 ORDER

22 WHEREFORE, THE FOLLOWING ORDER is hereby made:

23 I.

24 All licenses and licensing rights of Respondents OREGON TRAIL
25 CORPORATION and CHRISTOPHER MARK under the Real Estate Law are suspended for a

1 period of thirty (30) days from the effective date of this Decision and Order; provided, however,
2 that:

3 1. Thirty (30) days of said suspension shall be stayed for two (2) years upon the
4 following terms and conditions:

5 a) Respondents shall obey all laws, rules and regulations governing the
6 rights, duties and responsibilities of a real estate licensee in the State of
7 California; and,

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

15 2. Respondent MARK shall, within six (6) months from the effective date of this
16 Decision and Order, take and pass the Professional Responsibility Examination administered by
17 the Department, including the payment of the appropriate examination fee. If Respondent
18 MARK fails to satisfy this condition, Respondent MARK's real estate license shall
19 automatically be suspended until Respondent MARK passes the examination.

20 3. Respondent MARK shall, within nine (9) months from the effective date of this
21 Decision and Order, present evidence satisfactory to the Commissioner that Respondent MARK
22 has, since the most recent issuance of an original or renewal real estate license, taken and
23 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
24 Real Estate Law for renewal of a real estate license. If Respondent MARK fails to satisfy this
25 condition, Respondent MARK's real estate license shall automatically be suspended until
26

1 Respondent MARK presents evidence satisfactory to the Commissioner of having taken and
2 successfully completed the continuing education requirements. Proof of completion of the
3 continuing education courses must be delivered to the Department of Real Estate, Flag Section at
4 P.O. Box 137013, Sacramento, CA 95813-7013.


5 4. All licenses and licensing rights of Respondents OTC and MARK are
6 indefinitely suspended unless or until Respondents OTC and MARK jointly and severally pay the
7 sum of \$1,309.75 for the Commissioner's reasonable cost of the investigation and enforcement
8 which led to this disciplinary action. Said payment shall be in the form of a cashier's check or
9 certified check made payable to the Department of Real Estate. The investigation and
10 enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box
11 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

12 5. Pursuant to Section 10148 of the Code, Respondents OTC and MARK shall
13 pay the sum of \$2,991.59 for the Commissioner's cost of the audit which led to this disciplinary
14 action. Respondents OTC and MARK shall pay such cost within sixty (60) days of receiving an
15 invoice therefore from the Commissioner. Payment of audit costs should not be made until
16 Respondents receive the invoice. If Respondents fail to satisfy this condition in a timely manner
17 as provided for herein, Respondents' real estate licenses shall automatically be suspended until
18 payment is made in full, or until a decision providing otherwise is adopted following a hearing
19 held pursuant to this condition.

20 6. Pursuant to Section 10148 of the Code, Respondents OTC and MARK shall
21 pay the Commissioner's reasonable cost, not to exceed \$3,739.49 [or, 125% of the original audit
22 cost], for a subsequent audit to determine if Respondents OTC and MARK have corrected the
23 violations found in the Determination of Issues. In calculating the amount of the
24 Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary
25 for all persons performing audits of real estate brokers, and shall include an allocation for travel
26

1 time to and from the auditor's place of work. Respondents shall pay such cost within sixty (60)
2 days of receiving an invoice therefore from the Commissioner. Payment of the audit costs should
3 not be made until Respondents receive the invoice. If Respondents fail to satisfy this condition
4 in a timely manner as provided for herein, Respondents' real estate licenses shall automatically
5 be suspended until payment is made in full, or until a decision providing otherwise is adopted
6 following a hearing held pursuant to this condition.

7 DATED: 9-5-19



Julie L. To, Counsel for
Department of Real Estate

9 * * *

10 EXECUTION OF THE STIPULATION

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

18 MAILING AND FACSIMILE

19 Respondents can signify acceptance and approval of the terms and conditions of
20 this Stipulation and Agreement by sending a hard copy of the original signed signature page of
21 the Stipulation herein to Julie L. To, Legal Section, Department of Real Estate, 320 W. Fourth
22 St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an
23 administrative hearing, Respondents can signify acceptance and approval of the terms and
24 conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page,
25 as actually signed by Respondents, to the Department counsel assigned to this case. Respondents
26

1 agree, acknowledge, and understand that by electronically sending to the Department a scan of
2 Respondents' actual signatures as they appear on the Stipulation and Agreement, that receipt of
3 the scan by the Department shall be binding on Respondents as if the Department had received
4 the original signed Stipulation and Agreement.

5 DATED: 9/5/19

9/5/19


CHRISTOPHER MARK, Respondent

7 DATED: 9/5/19

9/5/19


OREGON TRAIL CORPORATION, Respondent
By: CHRISTOPHER MARK, Designated Officer

9 ***

11 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
12 Respondents OREGON TRAIL CORPORATION and CHRISTOPHER MARK, individually
13 and as designated officer of OREGON TRAIL CORPORATION, and shall become effective at
14 12 o'clock noon on OCT 28 2019, 2019.

15 IT IS SO ORDERED September 28, 2019.

16 DANIEL J. SANDRI
17 ACTING REAL ESTATE COMMISSIONER

18
19
20 
21