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**FILED**

MAR 10 2020

DEPARTMENT OF REAL ESTATE

By S. Kropp

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of: )

12 MADISON REAL ESTATE PROFESSIONALS, INC., )  
13 CORY ROBERT MEYER, and JON WINSTON BAIRD )

14 Respondents. )

No. H-6923 SAC

ACCUSATION

15 The Complainant, TRICIA D. PARKHURST, acting in her official capacity as a  
16 Supervising Special Investigator of the State of California, for cause of Accusation against  
17 MADISON REAL ESTATE PROFESSIONALS, INC. ("MADISON REAL ESTATE"), CORY  
18 ROBERT MEYER ("MEYER"), and JON WINSTON BAIRD ("BAIRD") collectively referred  
19 to herein as ("Respondents"), is informed and alleges as follows:

20 1

21 MYER is presently licensed and/or has license rights under the Real Estate Law  
22 (Part 1 of Division 4 of the Business and Professions Code) ("Code") as a real estate broker. At  
23 all relevant times, MYER served as the designated officer of MADISON REAL ESTATE.

24 2

25 BAIRD is presently licensed and/or has license rights under the Real Estate Law  
26 (Part 1 of Division 4 of the Business and Professions Code) ("Code") as a real estate salesperson.  
27 From May 24, 2018, through July 22, 2018 ("BAIRD's 2018 Suspension Period"), BAIRD's real

1 estate salesperson license was suspended pursuant to Family Code §17520 (failure to pay child  
2 support).

3 3

4 MADISON REAL ESTATE is presently licensed and/or has license rights under  
5 the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) ("Code") as a  
6 corporate real estate broker, and at all times herein was acting by and through MEYER. At all  
7 relevant times, MADISON REAL ESTATE served as BAIRD's supervising broker.

8 4

9 Whenever reference is made in an allegation in this Accusation to an act or  
10 omission of MADISON REAL ESTATE, such allegation shall be deemed to mean that the  
11 employees, agents, real estate licensees, and others employed by or associated with MADISON  
12 REAL ESTATE committed such act or omission while engaged in furtherance of the business or  
13 operations of MADISON REAL ESTATE, and while acting within the course and scope of their  
14 authority and employment.

15 5

16 At all times mentioned herein, Respondents engaged in the business of, acted in  
17 the capacity of, advertised, or assumed to act as real estate licensees, in the State of California,  
18 within the meaning of Section 10131(a) of the Code, including the operation and conduct of a  
19 real estate brokerage with the public, wherein, on behalf of others, for compensation or in  
20 expectation of compensation, Respondents sold and offered to sell, bought and offered to buy,  
21 solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated  
22 the purchase and sale of real property.

23 **FIRST CAUSE OF ACTION**

24 Unlicensed Activity  
(As to BAIRD Only)

25 6

26 Each and every allegation set forth above in Paragraphs 1 through 5, inclusive, is  
27 incorporated by this reference as if fully set forth herein.

During BAIRD's 2018 Suspension Period, and while acting within the course of the residential resale brokerage activities described above in Paragraph 5, BAIRD sold and offered to sell, bought and offered to buy, solicited prospective sellers and purchasers of, solicited and obtained listings of, and/or negotiated the purchase and resale of real property, including but not limited to the following:

<u>Buyer/Seller</u>	<u>PROPERTY LOCATION</u>	<u>CLOSE OF ESCROW</u>
Gayle K. and Daniel P.	11736 State Hwy. 99 E, Red Bluff, CA 96080	No Close
Jeanne F. and Wency C.	5332 Treasure Hill Dr., Oroville, CA 95966	7/3/18
Christine B. and Kris G.	4630 Co. Rd FF, Orland, CA 95963	7/17/18
Chris P.	1293 Palmetto Ave., Chico, CA 95926	7/31/18

By committing the acts alleged above in Paragraph 7, BAIRD willfully violated Section 10130 of the code by performed activities requiring a real estate license at a time when his real estate salesperson license was suspended.

The facts alleged above in the Paragraphs 6 through 8 are grounds for the suspension or revocation of BAIRD's license and license rights pursuant to Section 10130 of the Code in conjunction with Section 10177(d) of the Code.

**SECOND CAUSE OF ACTION**

**NEGLIGENCE**

(As to Respondents MADISON REAL ESTATE and MYER only)

Each and every allegation in Paragraphs 1 through 9, inclusive, above, is incorporated by this reference as if fully set forth herein.

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At all times during the period of BAIRD's 2018 Suspension Period, MADISON REAL ESTATE and MYER knew or should have known that BAIRD's real estate license was suspended. Despite their knowledge of fact that would have put a prudent person on notice of the suspension of BAIRD's real estate license, MADISON REAL ESTATE and MYER failed to take reasonable steps to prevent BAIRD from performing activities requiring an active real estate license.

The facts alleged above in the Paragraphs 10 and 11 are grounds for the suspension or revocation of the licenses and license rights of MADISON REAL ESTATE and MYER pursuant to Section 10177(g) of the Code.

**THIRD CAUSE OF ACTION**  
**UNLAWFUL COMPENSATION**  
(As to all Respondents)

Each and every allegation in Paragraphs 1 through 12, inclusive, above, is incorporated by this reference as if fully set forth herein.

On or about July 5, 2018, MADISON REAL ESTATE and MYER authorized Mid Valley Title & Escrow to issues a check to BAIRD for \$2,100 for the commission BAIRD earned for performing services requiring a real estate license regarding the purchase and sale of 5332 Treasure Hill Dr., Oroville, CA 95966 while BAIRD's license was suspended.

On or about June 20, 2018, MADISON REAL ESTATE and MYER authorized Timos Title to issue two checks to BAIRD totaling \$5,148.00 for commissions BAIRD earned for performing services regarding the purchase and sale of 4630 Co. Rd FF, Orland, CA 95963 requiring a real estate salesperson license while BAIRD's license was suspended.

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At the time that BAIRD received the compensation, as alleged above in Paragraphs 13 through 15, MADISON REAL ESTATE, MYER, and BAIRD knew, or should have known, that BAIRD's salesperson license was expired.

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The facts alleged in the Paragraphs 13 through 16 are grounds for the suspension or revocation of the license and license rights of Respondents pursuant to Section 10130 of the Code in conjunction with Section 10177(d) of the Code.

**FOURTH CAUSE OF ACTION**  
**FAILURE TO SUPERVISE**  
(As to MYER only)

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Each and every allegation in Paragraphs 1 through 17, inclusive, above, is incorporated by this reference as if fully set forth herein.

19

MYER, as the supervising broker of MADISON REAL ESTATE, was required to exercise reasonable supervision and control over the real estate activities of MADISON REAL ESTATE and the activities of the salespersons licensed to the corporation including BAIRD.

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MYER failed to exercise reasonable supervision over the acts and/or omissions of MADISON REAL ESTATE in such a manner as to allow the acts and/or omissions, as described above in COUNT ONE, COUNT TWO and COUNT THREE of the Accusation to occur, which constitutes cause for the suspension or revocation of the license(s) and license rights of MYER under Sections 10177(d) and/or 10177(g), 10177(h), and 10159.2 of the Code, in conjunction with Section 2725 of the Regulations.

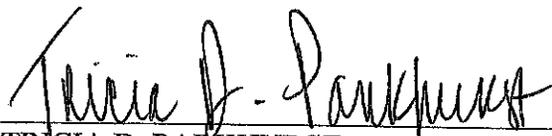
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1 COST RECOVERY

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3 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
4 resolution of a disciplinary proceeding before the Department, the Commissioner may request the  
5 Administrative Law Judge to direct a licensee found to have committed a violation of this part to  
6 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

7 WHEREFORE, Complainant prays that a hearing be conducted on the allegations  
8 of this Accusation and that, upon proof thereof, a decision be rendered revoking all licenses,  
9 license rights, endorsements, and endorsement rights of Respondents under the Real Estate Law  
10 (Part 1 of Division 4 of the Business and Professions Code), for the cost of investigation and  
11 enforcement as permitted by law, and for such other and further relief as may be proper under  
12 other provisions of law.

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14 TRICIA D. PARKHURST  
15 Supervising Special Investigator

16 Dated at Sacramento, California,  
17 this 27th day of January, 2020.

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19 DISCOVERY DEMAND

20 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the  
21 Department hereby makes demand for discovery pursuant to the guidelines set forth in the  
22 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the  
23 exclusion of witnesses and documents at the hearing or other sanctions that the Office of  
24 Administrative Hearings deems appropriate.