

Flag

Bureau of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105  
Telephone: (213) 576-6982  
(Direct) (213) 576-6904

**FILED**

FEB 14 2018

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

|                                    |   |                                  |
|------------------------------------|---|----------------------------------|
| In the Matter of the Accusation of | ) | No. H-40883 LA                   |
|                                    | ) |                                  |
| SCOTT EDWARD LANDAU,               | ) | <u>STIPULATION AND AGREEMENT</u> |
|                                    | ) |                                  |
| Respondent.                        | ) |                                  |
|                                    | ) |                                  |
|                                    | ) |                                  |

It is hereby stipulated by and between SCOTT EDWARD LANDAU (hereinafter "Respondent") and the Complainant, acting by and through Judith B. Vasan, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on December 11, 2017, in this matter:

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

2. Respondent has received, read and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in this proceeding.

1                   3. On December 26, 2017, Respondent filed a Notice of Defense pursuant to  
2 Section 11506 of the Government Code for the purpose of requesting a hearing on the  
3 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice  
4 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of  
5 Defense he will thereby waive his right to require the Commissioner to prove the allegations in  
6 the Accusation at a contested hearing held in accordance with the provisions of the APA and  
7 that he will waive other rights afforded to him in connection with the hearing such as the right  
8 to present evidence in defense of the allegations in the Accusation and the right to cross-  
9 examine witnesses.

10                   4. Respondent, pursuant to the limitations set forth below, hereby admits that  
11 the factual allegations of the Accusation filed in this proceeding are true and correct and the  
12 Real Estate Commissioner shall not be required to provide further evidence of such  
13 allegations.

14                   5. Respondent understands that by agreeing to this Stipulation and Agreement,  
15 Respondent agrees to pay, pursuant to Section 10106 of the California Business and  
16 Professions Code ("Code"), the costs of the investigation and enforcement which resulted in  
17 the determination that Respondent committed the violations found in the Determination of  
18 Issues. The amount of said costs is \$577.00.

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

26                   7. The Order or any subsequent Order of the Real Estate Commissioner made  
27 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to

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

3 DETERMINATION OF ISSUES

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

7 The conduct of Respondent, in failing to timely submit the 2016 Annual  
8 Financial Condition Mortgage Call Report with the National Mortgage Licensing System and  
9 Registry, as set forth in the Accusation, is in violation of Section 10166.08 of the Code and  
10 constitutes grounds for suspension or revocation of Respondent's real estate broker license,  
11 mortgage loan originator ("MLO") license endorsement, and licensing rights under the  
12 provisions of Sections 10166.051(a), 10177(d) and/or 10177(g) of the Business and  
13 Professions Code.

14 ORDER

15 WHEREFORE, THE FOLLOWING ORDER is hereby made:

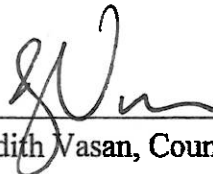
16 1. Respondent SCOTT EDWARD LANDAU is publicly reprovded.

17 2. Respondent shall, prior to the effective date of this Decision, pay the sum of  
18 \$577.00 for the Commissioner's reasonable costs of the investigation and enforcement which  
19 led to this disciplinary action. Said payment shall be in the form of a cashier's check made  
20 payable to the Bureau of Real Estate. The investigative and enforcement costs must be  
21 delivered to the Bureau of Real Estate, Flag Section, at P.O. Box 137013, Sacramento,  
22 CA 95813-7013, prior to the effective date of this Order.

23 If Respondent fails to satisfy this condition, the Commissioner shall order the  
24 suspension of the license, MLO license endorsement, and licensing rights until Respondent  
25 presents evidence of payment. The Commissioner shall afford Respondent the opportunity for a  
26 hearing pursuant to the Administrative Procedure Act to present such evidence that payment  
27

1 was timely made. The suspension shall remain in effect until payment is made in full or until a  
2 decision providing otherwise is adopted following a hearing held pursuant to this condition.

3  
4 DATED: 1-19-2018

5   
Judith Vasan, Counsel for Complainant

6 \* \* \*

7 EXECUTION OF THE STIPULATION

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

15 Respondent agrees, acknowledges, and understands that by signing this  
16 Stipulation and Agreement he is bound by its terms as of the date of such signature and that  
17 such agreement is not subject to rescission or amendment at a later date except by a separate  
18 Decision and Order of the Commissioner.

19 Respondent 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(s)  
21 of the Stipulation herein to Judith B. Vasan, Legal Section, Bureau of Real Estate, 320 W.  
22 Fourth Street, Suite 350, Los Angeles, California, 90013-1105.

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1 In the event of time constraints before an administrative hearing, Respondent  
2 can signify acceptance and approval of the terms and conditions of this Stipulation and  
3 Agreement by emailing a scanned copy of the signature page, as actually signed by  
4 Respondent, to the Bureau counsel assigned to this case. Respondent agrees, acknowledges  
5 and understands that by electronically sending the Bureau a scan of Respondent's actual  
6 signature as it appears on the Stipulation and Agreement that receipt of the scan by the Bureau  
7 shall be binding on Respondent as if the Bureau had received the original signed Stipulation  
8 and agreement.

9  
10 DATED: 01/18/2018

*Scott Edward Landau*  
11 SCOTT EDWARD LANDAU, Respondent

12 \* \* \*

13 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
14 this matter and shall become effective at 12 o'clock noon on **MAR - 6 2018**

15 IT IS SO ORDERED 2/8/18.

16 WAYNE S. BELL  
17 REAL ESTATE COMMISSIONER

18  
19 By: *Daniel J. Sandri*  
20 DANIEL J. SANDRI  
21 Chief Deputy Commissioner