

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of) No. H-40414 LA
)
 BRIAN MATTHEW RICH,)
)
 Respondent.)
 _____)

FILED
 MAR - 7 2017
 BUREAU OF REAL ESTATE
 By *[Signature]*

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 February 2, 2017, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license and/or license rights on the grounds of a criminal conviction.

Pursuant to Government Code section 11521, the Bureau of Real Estate ("Bureau") may order reconsideration of this Decision on petition of any party. The Bureau's power to order reconsideration of this Decision shall expire 30 days after mailing of this Decision, or on the effective date of this Decision, whichever occurs first. The right to reinstatement of a revoked real estate license or to the reduction of a penalty is controlled by Section 11522 of the Government Code. A copy of Sections 11521 and 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

FINDINGS OF FACT

1.

On October 3, 2016, Veronica Kilpatrick made the Accusation in her official capacity as a Supervising Special Investigator of the State of California. On October 5, 2016 and December 6, 2016, the Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, return receipt requested, and by regular mail to Respondent BRIAN MATTHEW RICH's ("Respondent") last known mailing address on file with the Bureau.

2.

On February 2, 2017, no Notice of Defense having been filed herein within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

3.

Respondent BRIAN MATTHEW RICH is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (herein "the Code") as a real estate broker. Respondent's real estate broker license expired on October 13, 2016. Pursuant to Code Section 10103, the Bureau retains jurisdiction.

4.

To date, the Bureau of Real Estate has incurred costs totaling \$1,549.70 for the investigation and enforcement of the case.

5.

Attached as Exhibit "A" is a true and correct copy of the Accusation filed on October 5, 2016, which is incorporated herein as part of this Decision.

DETERMINATION OF ISSUES

1.

Cause for disciplinary action against respondent exists pursuant to Sections 490, 10177(b), and 10177(j) of the Code.

2.

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

ORDER

The license and license rights of Respondent BRIAN MATTHEW RICH under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Order shall become effective at 12 o'clock noon on MAR 27 2017.

DATED: 2/21/17

WAYNE S. BELL
REAL ESTATE COMMISSIONER

BY: Daniel J. Sandri
DANIEL J. SANDRI
Chief Deputy Commissioner

1 Bureau of Real Estate
2 320 West Fourth St, Ste 350
3 Los Angeles, CA, 90013
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FILED

FEB 02 2017

BUREAU OF REAL ESTATE

BY R. Posada

7 BEFORE THE BUREAU OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of) CalBRE NO. H-40414 LA
11)
12 BRIAN MATTHEW RICH,) DEFAULT ORDER
13)
14 Respondent.)

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

18 IT IS SO ORDERED February 2, 2017

19 WAYNE S. BELL
20 REAL ESTATE COMMISSIONER

21
22 By: Dolores Ramos
23 DOLORES RAMOS
24 Regional Manager
25
26
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