

1 BUREAU OF REAL ESTATE
2 P. O. Box 137007
3 Sacramento, CA 95813-7007

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FILED

MAR 03 2016

BUREAU OF REAL ESTATE

By S. Black

8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

12) NO. H-2966 FR

13 MATT JAY CRAWFORD,)

14) STIPULATION AND AGREEMENT IN
15) SETTLEMENT AND ORDER

16 Respondent.)

17 It is hereby stipulated by and between Respondent MATT JAY CRAWFORD
18 (Respondent), and the Complainant, acting by and through Richard K. Uno, Counsel for the
19 Bureau of Real Estate (Bureau), as follows for the purpose of settling and disposing of the
20 Accusation filed on October 14, 2015, in this matter:

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

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

4 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
7 acknowledges that Respondent understands that by withdrawing said Notice of Defense,
8 Respondent will thereby waive Respondent's right to require the Real Estate Commissioner
9 (Commissioner) to prove the allegations in the Accusation at a contested hearing held in
10 accordance with the provisions of the APA and that Respondent will waive other rights
11 afforded to Respondent in connection with the hearing such as the right to present evidence in
12 defense of the allegations in the Accusation and the right to cross-examine witnesses.

13 4. This Stipulation and Order is based on the factual allegations contained in
14 the Accusation. In the interest of expedience and economy, Respondent chooses not to contest
15 these factual allegations, but to remain silent and understands that, as a result thereof, these
16 factual statements will serve as a prima facie basis for the "Determination of Issues" and "Order"
17 set forth below. The Real Estate Commissioner shall not be required to provide further evidence
18 to prove such allegations.

19 5. This Stipulation and Order and Respondent's decision not to contest the
20 Accusation are made for the purpose of reaching an agreed disposition in this proceeding and are
21 expressly limited to this proceeding and any other proceeding or case in which the Bureau, the
22 state or federal government, an agency of this state, or an agency of another state is involved.

23 6. It is understood by the parties that the Commissioner may adopt this
24 Stipulation and Order as his decision in this matter, thereby imposing the penalty and sanctions
25 on Respondent's real estate licenses and license rights as set forth in the "Order" below. In the
26 event that the Commissioner in his discretion does not adopt this Stipulation and Order, it shall

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1 be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on
2 the Accusation under all of the provisions of the APA and shall not be bound by any admission
3 or waiver made herein.

4 7. The Order or any subsequent Order of the Commissioner made pursuant
5 to this Stipulation and Order shall not constitute an estoppel, merger or bar to any further
6 administrative or civil proceedings by the Bureau with respect to any matters which were not
7 specifically alleged to be causes for accusation in this proceeding.

8 8. Respondent understands that by agreeing to this Stipulation and Order,
9 Respondent agrees to pay, pursuant to Section 10148 of the California Business and
10 Professions Code ("the Code"), the cost of the audit which resulted in the violation(s) found in
11 the Determination of Issues. The amount of such costs is \$4,485.88.

12 9. Respondent further understands that by agreeing to this Stipulation and
13 Order, the findings set forth below in the "Determination of Issues" become final; and that the
14 Commissioner may charge said Respondent for the costs of any audit conducted pursuant to
15 Section 10148 of the Code to determine if the violations have been corrected. The maximum
16 cost of said audit shall not exceed \$4,485.88.

17 DETERMINATION OF ISSUES

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

21 The acts and omissions of Respondent, as described in the Accusation,
22 are grounds for the suspension or revocation of the licenses and license rights of Respondent
23 under the provisions of Section 10177(g) of the Code.

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1 a. Respondent shall obey all laws, rules and regulations governing
2 the rights, duties and responsibilities of a real estate licensee in the State of California; and,

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

9 3. Pursuant to Section 10148 of the Code, Respondent shall pay the sum of
10 \$4,485.88 for the Commissioner's cost of the audit which led to this disciplinary action.
11 Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore from the
12 Commissioner. Payment of audit costs should not be made until Respondent receives the
13 invoice. If Respondent fails to satisfy this condition in a timely manner as provided for herein,
14 Respondent's real estate licenses shall automatically be suspended until payment is made in full,
15 or until a decision providing otherwise is adopted following a hearing held pursuant to this
16 condition.

17 4. Pursuant to Section 10148 of the Code, Respondent shall pay the
18 Commissioner's reasonable cost, not to exceed \$4,485.88, for an audit to determine if
19 Respondent has corrected the violation(s) found in the "Determination of Issues". In calculating
20 the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated
21 average hourly salary for all persons performing audits of real estate brokers, and shall include
22 an allocation for travel time to and from the auditor's place of work. Respondent shall pay such
23 cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of
24 the audit costs should not be made until Respondent receives the invoice. If Respondent fails to
25 satisfy this condition in a timely manner as provided for herein, Respondent's real estate licenses
26 shall automatically be suspended until payment is made in full, or until a decision providing
27 otherwise is adopted following a hearing held pursuant to this condition.

1 4. Respondent shall provide proof satisfactory to the Commissioner, of
2 having taken and successfully completed the continuing education course on trust fund
3 accounting and handling specified in paragraph (3) of subdivision (a) of Section 10170.5 of the
4 Business and Professions Code. Proof of satisfaction of these requirements includes evidence
5 that Respondent has successfully completed the trust fund account and handling continuing
6 education courses, within six (6) months of the effective date of the Decision and Order in this
7 matter. Proof of completion of the trust fund accounting and handling course must be delivered
8 to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or
9 by fax at 916-263-8758.

10 6. All licenses and licensing rights of Respondent are indefinitely suspended
11 unless or until Respondent provides proof that he has removed any persons who are unlicensed
12 and unbounded as signatories to his trust accounts. Said proof must be delivered to the Bureau
13 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the
14 effective date of this Decision and Order.

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17 2/5/16

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19 DATED

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19 Richard K. Uno, Counsel III
20 Bureau of Real Estate

21 * * *

22 I have read the Stipulation and Order and its terms are understood by me and are
23 agreeable and acceptable to me. I understand that I am waiving rights given to me by the
24 California Administrative Procedure Act (including but not limited to Sections 11506, 11508,
25 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily
26 waive those rights, including the right of requiring the Commissioner to prove the allegations
27 in the Accusation at a hearing at which I would have the right to cross-examine witnesses

1 against me and to present evidence in defense and mitigation of the charges. Respondent can
2 signify acceptance and approval of the terms and conditions of this Stipulation and Order by
3 faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax
4 number (916) 263-3767. Respondent agreeS, acknowledge and understand that by
5 electronically sending to the Bureau a fax copy of Respondent's actual signatures as they
6 appear on the Stipulation and Order, that receipt of the faxed copy by the Bureau shall be as
7 binding on Respondent as if the Bureau had received the original signed Stipulation and Order.

8
9
10 2-5-2016

11 DATED

12 Matt Jay Crawford
13 MATT JAY CRAWFORD,
14 Respondent

15 * * *

16 The foregoing Stipulation and Agreement In Settlement and Order is hereby
17 adopted by me as my Decision in this matter as to Respondent MATT JAY CRAWFORD, and
18 shall become effective at 12 o'clock noon on MAR 24 2016

19 IT IS SO ORDERED MARCH 1, 2016

20 WAYNE S. BELL
21 REAL ESTATE COMMISSIONER

22 Wayne S. Bell

23 By: JEFFREY MASON
24 Chief Deputy Commissioner
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