

FILED

NOV 17 2010

DEPARTMENT OF REAL ESTATE

By L. Zui

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

AMERICA ONE FINANCE, INC. and
MATTHEW STEVEN SIMMONS,

Respondents.

H-4121 SD

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 October 19, 2010, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1

On June 9, 2010, Joseph Aiu filed the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, return receipt requested, to Respondents' last known mailing address on file with the Department on June 9, 2010.

On October 19, 2010, no Notice of Defense having been received or filed herein within the time prescribed by Section 11506 of the Government Code, Respondents' default was entered herein.

2

Respondents AMERICA ONE FINANCE, INC. (hereinafter "Respondent AMERICA ONE") and MATTHEW STEVEN SIMMONS (hereinafter "Respondent SIMMONS") are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter "the Code").

3

At all times herein mentioned, Respondent AMERICAN ONE was and is licensed by the Department of Real Estate (hereinafter "the Department") as a corporate real estate broker.

4

At all times herein mentioned, Respondent SIMMONS was and is licensed by the Department as designated broker/officer of Respondent AMERICAN ONE. As said designated officer-broker, Respondent SIMMONS was responsible pursuant to Section 10159.2 of the Code for the supervision of the activities of Respondent AMERICAN ONE for which a license is required.

5

Effective August 19, 2009 and continuing through the present time without reinstatement, the corporate powers, rights and privileges of Respondent AMERICAN ONE were suspended by the California Office of the Secretary of State.

6

Respondent SIMMONS failed to exercise reasonable supervision over the acts of Respondent AMERICAN ONE in such a manner as to allow the acts and events described above to occur.

DETERMINATION OF ISSUES

1

The findings above constitute failure on the part of Respondent SIMMONS, as designated broker-officer for Respondent AMERICAN ONE, to exercise reasonable supervision and control over the licensed activities of Respondent AMERICAN ONE as required by Section 10159.2 of the Code.

2

The findings above constitute cause under Section 2742(c) (a corporation licensed under Section 10211 of the Code shall not engage in the business of a real estate broker while not in good standing with the Office of the Secretary of State) of Chapter 6, Title 10, California Code of Regulations in conjunction with Section 10177(d) (willfully disregarded or violated the Real Estate Law or the rules and regulations of the commissioner) of the Code for suspension or revocation of all licenses and license rights of Respondent AMERICAN ONE under the Real Estate Law.

///

///

The findings above are grounds for the suspension or revocation of the licenses and license rights of Respondent SIMMONS under Sections 10177(g) (demonstrate negligence or incompetence in performing an act for which he or she is required to hold a license) and/or 10177(h) (failed exercise reasonable supervision and control of the activities of the corporation for which a real estate license is required) of the Code, and Section 10177(d) of the Code in conjunction with Section 10159.2 of the Code.

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

ORDER

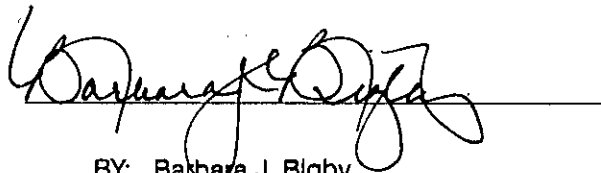
All licenses and licensing rights of Respondents AMERICA ONE FINANCE, INC. and MATTHEW STEVEN SIMMONS under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on

DEC - 8 2010

DATED: 11-1-2010

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

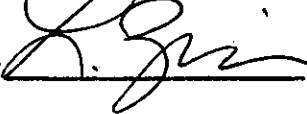
1 Department of Real Estate
2 P. O. Box 187007
3 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789

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OCT 19 2010

DEPARTMENT OF REAL ESTATE

By: 

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

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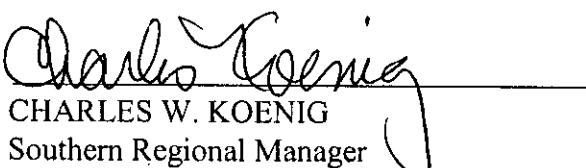
12 In the Matter of the Accusation of)
13 AMERICA ONE FINANCE INC.)
14 and MATTHEW STEVEN SIMMONS,)
15 Respondents.)

No. H-4121 SD
DEFAULT ORDER

16
17 Respondents, AMERICA ONE FINANCE INC. and MATTHEW STEVEN
18 SIMMONS, having failed to file a Notice of Defense within the time required by Section 11506
19 of the Government Code, is now in default. It is, therefore, ordered that a default be entered on
20 the record in this matter.

21 IT IS SO ORDERED October 29, 2010.

22 JEFF DAVI
23 Real Estate Commissioner

24
25 By: 
26 CHARLES W. KOENIG
27 Southern Regional Manager

1 ANGELA L. CASH, Counsel (SBN 230882)
2 Department of Real Estate
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4 Sacramento, CA 95818-7007

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FILED

JUN - 9 2010

DEPARTMENT OF REAL ESTATE

[Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of

12 AMERICA ONE FINANCE, INC. and
13 MATTHEW STEVEN SIMMONS,
14 Respondents.

No. H-4121 SD

ACCUSATION

15
16 The Complainant, Joseph Aiu, a Deputy Real Estate Commissioner of the State of
17 California (hereinafter "Complainant"), for cause of Accusation against AMERICA ONE
18 FINANCE, INC. ("AMERICAN ONE") and MATTHEW STEVEN SIMMONS ("SIMMONS")
19 (collectively referred to as "Respondents"), is informed and alleges as follows:

20 1

21 Complainant makes this Accusation in his official capacity.

22 2

23 Respondents are presently licensed and/or have license rights under the Real
24 Estate Law (Part 1 of Division 4 of the Business and Professions Code) (hereinafter "Code").

25 3

26 At all times herein mentioned, Respondent AMERICAN ONE was and is
27 licensed by the Department of Real Estate ("the Department") as a corporate real estate broker.

1 4

2 At all times herein mentioned, Respondent SIMMONS was and is licensed by the
3 Department as designated broker/officer of Respondent AMERICAN ONE. As said designated
4 officer-broker, Respondent SIMMONS was responsible pursuant to Section 10159.2 of the Code
5 for the supervision of the activities of Respondent AMERICAN ONE for which a license is
6 required.

7 5

8 Effective August 19, 2009 and continuing through the present time without
9 reinstatement, the corporate powers, rights and privileges of Respondent AMERICAN ONE
10 were suspended by the California Office of the Secretary of State.

11 6

12 Respondent SIMMONS failed to exercise reasonable supervision over the acts of
13 Respondent AMERICAN ONE in such a manner as to allow the acts and events described above
14 to occur.

15 7

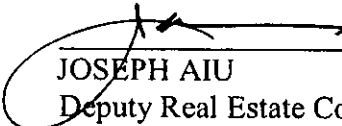
16 The acts and/or omissions of Respondent SIMMONS described in Paragraph 6,
17 constitutes failure on the part of Respondent SIMMONS, as designated broker-officer for
18 Respondent AMERICAN ONE, to exercise reasonable supervision and control over the licensed
19 activities of Respondent AMERICAN ONE as required by Section 10159.2 of the Code.

20 8

21 The facts alleged above constitute cause under Section 2742(c) (a corporation
22 licensed under Section 10211 of the Code shall not engage in the business of a real estate broker
23 while not in good standing with the Office of the Secretary of State) of Chapter 6, Title 10,
24 California Code of Regulations in conjunction with Section 10177(d) (willfully disregarded or
25 violated the Real Estate Law or the rules and regulations of the commissioner) of the Code for
26 suspension or revocation of all licenses and license rights of Respondent AMERICAN ONE
27 under the Real Estate Law.

The facts alleged in Paragraphs 5 and 6, are grounds from the suspension or revocation of the licenses and license rights of Respondent SIMMONS under Sections 10177(g) (demonstrate negligence or incompetence in performing an act for which he or she is required to hold a license) and/or 10177(h) (failed exercise reasonable supervision and control of the activities of the corporation for which a real estate license is required) of the Code, and Section 10177(d) of the Code in conjunction with Section 10159.2 of the Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under the provisions of law.


JOSEPH AIU
Deputy Real Estate Commissioner

Dated at San Diego, California,
this 28 day of May, 2010.