1	Bureau of Real Estate
2	320 W. 4 TH Street, Suite 350 Los Angeles, CA 90013-1105
3	FILED
4	Telephone: (213) 576-6982 DEC 1 6 2015
5	BUREAU OF REAL ESTATE
6	De Hallan
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8	BEFORE THE BUREAU OF REAL ESTATE
9	STATE OF CALIFORNIA
10	* * *
11	In the Matter of the Accusation of) No. H-04710 SD
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13	INC.; and BRUCE GORDON
14	MATYAS, individually and as designated officer of Miramar Financial
15	Group, Inc.,
16	Respondents.
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18	It is hereby stipulated by and between Respondents MIRAMAR FINANCIAL
19	GROUP, INC. ("MFGI"), and BRUCE GORDON MATYAS ("MATYAS") (collectively,
20	"Respondents"), acting by and through Dennis H. Doss, an attorney at DOSS LAW, and the
21	Complainant, acting by and through Amelia V. Vetrone, Counsel for the Bureau of Real Estate,
22	as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on
23	March 26, 2015, in this matter:
24	1. All issues which were to be contested and all evidence which was to be
25	presented by Complainant and Respondents at a formal hearing on the Accusation, which
26	hearing was to be held in accordance with the provisions of the Administrative Procedure Act
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("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of
 this Stipulation and Agreement ("Stipulation").

³ 2. Respondents have received, read and understand the Statement to
⁴ Respondents, the Discovery Provisions of the APA and the Accusation filed by the Bureau of
⁵ Real Estate in this proceeding.

3. Respondents filed a Notice of Defense pursuant to Section 11506 of the 6 7 Government Code for the purpose of requesting a hearing on the allegations in the Accusation. 8 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents 9 acknowledge that they understand that by withdrawing said Notice of Defense they thereby 10waive their right to require the Commissioner to prove the allegations in the Accusation at a 11 contested hearing held in accordance with the provisions of the APA and that they will waive 12 other rights afforded to them in connection with the hearing such as the right to present evidence 13 in their defense and the right to cross-examine witnesses.

4. This Stipulation is based on the factual allegations contained in the
Accusation. In the interest of expedience and economy, Respondents choose not to contest these
allegations, but to remain silent and understand that, as a result thereof, these factual allegations,
without being admitted or denied, will serve as a prima facie basis for the disciplinary action
stipulated to herein. The Real Estate Commissioner shall not be required to provide further
evidence to prove said factual allegations.

5. This Stipulation is made for the purpose of reaching an agreed disposition of
this proceeding and is expressly limited to this proceeding and not any other proceeding or case
in which the Bureau of Real Estate ("Bureau"), or another licensing agency of this state, another
state or the federal government is involved, and otherwise shall not be admissible in any other
criminal or civil proceeding.

6. It is understood by the parties that the Real Estate Commissioner may adopt
this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
Respondents' real estate licenses and license rights as set forth in the below "Order". In the

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event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall
 be void and of no effect and Respondents shall retain the right to a hearing and proceeding on the
 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
 made herein.

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

8. Respondents understand that by agreeing to this Stipulation, Respondents
agree to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit
which led to this disciplinary action. The amount of said cost is \$18,789.88.

9. Respondents have received, read, and understand the "Notice Concerning
Costs of Subsequent Audit". Respondents further understand that by agreeing to this Stipulation,
the findings set forth below in the Determination of Issues become final, and the Commissioner
may charge Respondents for the cost of any subsequent audit conducted pursuant to Business
and Professions Code Section 10148 to determine if the violations have been corrected. The
maximum cost of the subsequent audit will not exceed \$18,789.88.

18 10. Respondents understand that by agreeing to this Stipulation, Respondents
 19 agree to pay, pursuant to Business and Professions Code Section 10106, the cost of the
 20 investigation of this matter. The amount of said cost is \$1,386.00.

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DETERMINATION OF ISSUES

By reason of the foregoing, it is stipulated and agreed that the following
 determination of issues shall be made:

The conduct of Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE GORDON MATYAS as described in Paragraph 4, herein above, is in violation of Sections <u>10145</u>, <u>10177(d)</u>, and <u>10177(g)</u> of the Business and Professions Code ("Code") and is a basis for discipline of Respondents' licenses and license rights as a violation of the Real Estate

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1	Law pursuant to Code Sections 10177(d), and 10177(g).
2	ORDER
3	WHEREFORE, THE FOLLOWING ORDER is hereby made:
4	Ι.
5	A. All licenses and licensed rights of Respondents MIRAMAR FINANCIAL
б	GROUP, INC. and BRUCE GORDON MATYAS under the Real Estate Law are suspended for a
7	period of one hundred twenty (120) days from the effective date of this Decision; provided,
8	however, that the initial thirty (30) days of that suspension shall be stayed for two years upon the
9	following terms and conditions:
10	1. Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE
11	GORDON MATYAS shall each pay a monetary penalty pursuant to Section 10175.2 of the
12	Business and Professions Code of \$50.00 per day for each of the thirty days for a total monetary
13	penalty of \$1,500.00.
14	2. Said payment shall be in the form of a cashier's check made payable to the
15	Bureau of Real Estate. Said check must be delivered to the Bureau of Real Estate, Flag
16	Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this
17	Decision and Order.
18	Decision and Order.
	3. No further cause for disciplinary action against the real estate licenses of
19	
19 20	3. No further cause for disciplinary action against the real estate licenses of
	3. No further cause for disciplinary action against the real estate licenses of Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE GORDON MATYAS
20	3. No further cause for disciplinary action against the real estate licenses of Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE GORDON MATYAS occurs within two (2) years from the effective date of the Decision in this matter.
20 21	 3. No further cause for disciplinary action against the real estate licenses of Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE GORDON MATYAS occurs within two (2) years from the effective date of the Decision in this matter. 4. If either Respondent MIRAMAR FINANCIAL GROUP, INC. or BRUCE
20 21 22	 3. No further cause for disciplinary action against the real estate licenses of Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE GORDON MATYAS occurs within two (2) years from the effective date of the Decision in this matter. 4. If either Respondent MIRAMAR FINANCIAL GROUP, INC. or BRUCE GORDON MATYAS fails to pay the monetary penalty in accordance with the terms and
20 21 22 23	3. No further cause for disciplinary action against the real estate licenses of Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE GORDON MATYAS occurs within two (2) years from the effective date of the Decision in this matter. 4. If either Respondent MIRAMAR FINANCIAL GROUP, INC. or BRUCE GORDON MATYAS fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the suspension shall go into effect automatically with regard to said
20 21 22 23 24	3. No further cause for disciplinary action against the real estate licenses of Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE GORDON MATYAS occurs within two (2) years from the effective date of the Decision in this matter. 4. If either Respondent MIRAMAR FINANCIAL GROUP, INC. or BRUCE GORDON MATYAS fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the suspension shall go into effect automatically with regard to said Respondent. Respondents shall not be entitled to any repayment nor credit, prorated or
20 21 22 23 24 25	3. No further cause for disciplinary action against the real estate licenses of Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE GORDON MATYAS occurs within two (2) years from the effective date of the Decision in this matter. 4. If either Respondent MIRAMAR FINANCIAL GROUP, INC. or BRUCE GORDON MATYAS fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the suspension shall go into effect automatically with regard to said Respondent. Respondents shall not be entitled to any repayment nor credit, prorated or
20 21 22 23 24 25 26	3. No further cause for disciplinary action against the real estate licenses of Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE GORDON MATYAS occurs within two (2) years from the effective date of the Decision in this matter. 4. If either Respondent MIRAMAR FINANCIAL GROUP, INC. or BRUCE GORDON MATYAS fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the suspension shall go into effect automatically with regard to said Respondent. Respondents shall not be entitled to any repayment nor credit, prorated or
20 21 22 23 24 25 26	3. No further cause for disciplinary action against the real estate licenses of Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE GORDON MATYAS occurs within two (2) years from the effective date of the Decision in this matter. 4. If either Respondent MIRAMAR FINANCIAL GROUP, INC. or BRUCE GORDON MATYAS fails to pay the monetary penalty in accordance with the terms and conditions of the Decision, the suspension shall go into effect automatically with regard to said Respondent. Respondents shall not be entitled to any repayment nor credit, prorated or

1	5. If Respondents pay the monetary penalty and if no further cause for
2	disciplinary action against the real estate licenses of Respondents occurs within two (2) years
3	from the effective date of the Decision, the stay hereby granted shall become permanent.
4	B. The remaining sixty (90) days of the one hundred twenty (120) day suspension
5	shall be stayed for two (2) years upon the following terms and conditions:
6	1. That Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE
7	GORDON MATYAS obey all laws, rules and regulations governing the rights, duties and
8	responsibilities of a real estate licensee in the State of California;
9	2. That no final subsequent determination be made after hearing or upon
10	stipulation, that cause for disciplinary action occurred within two (2) years from the effective
11	date of this Decision. Should such a determination be made, the Commissioner may, in his
12	discretion, vacate and set aside the stay order and re-impose all or a portion of the stayed
13	suspension. Should no such determination be made under this section, the stay imposed herein
14	shall become permanent.
15	II.
16	Respondent MATYAS shall within six (6) months from the effective date of
17	the Decision and Order herein, take and pass the Professional Responsibility Examination
18	administered by the Bureau including the payment of the appropriate examination fee. If
19	Respondent fails to satisfy this condition, Respondent's real estate license shall be automatically
20	suspended until Respondent passes the examination.
21	III.
22	Respondent MATYAS shall within 120 days from the effective date of the
23	Decision and Order herein submit proof satisfactory to the Commissioner of having taken and
24	successfully completed the continuing education course on trust fund accounting and handling
25	specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. If Respondent
25 26	specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Code. If Respondent MATYAS fails to satisfy this condition, Respondent's real estate license shall be automatically

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and successfully completed the trust fund accounting and handling course. Proof of completion of the continuing education courses must be delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013.

IV.

Pursuant to Section 10148 of the Code, Respondents MFGI and MATYAS shall

pay the sum of \$18,789.88, for the Commissioner's cost of the audit which led to this 6 7 disciplinary action. Respondents shall pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the audit costs should not be made until 8 Respondents receive the invoice. Respondents are jointly and severally liable for the cost of the 9 audit. If Respondents fail to satisfy this condition in a timely manner as provided for herein, 10 Respondents real estate licenses shall automatically be suspended until payment is made in full, 11 or until a decision providing otherwise is adopted following a hearing held pursuant to this 12 condition. 13

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Pursuant to Section 10148 of the Code, Respondents MFGI and MATYAS shall 14 pay the Commissioner's reasonable cost, not to exceed \$18,789.88, for a subsequent audit to 15 determine if Respondents have corrected the violations found in the Determination of Issues. In 16 calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the 17 estimated average hourly salary for all persons performing audits of real estate brokers, and shall 18 include an allocation for travel time to and from the auditor's place of work. Respondents shall 19 pay such cost within sixty (60) days of receiving an invoice therefore from the 20 Commissioner. Payment of the audit costs should not be made until Respondents receive the 21 invoice. Respondents are jointly and severally liable for the cost of the audit. If Respondents 22 23 fail to satisfy this condition in a timely manner as provided for herein, Respondents real estate licenses shall automatically be suspended until payment is made in full, or until a decision 24 providing otherwise is adopted following a hearing held pursuant to this condition. 25 26

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1	VI.
2	All licenses and licensing rights of Respondents are indefinitely suspended unless
3	or until Respondents pay the sum of \$1,386.00 for the Commissioner's reasonable cost of the
4	investigation which led to this disciplinary action. Respondents are jointly and severally liable
5	for the cost of the investigation. Said payment shall be in the form of a cashier's check made
6	payable to the Bureau of Real Estate. Said check must be delivered to the Bureau of Real
7	Estate, Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
8	date of this Decision and Order.
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11	DATED: 10-29-15 AVIOLE
12	Amelia V. Vetrone, Counsel for Bureau of Real Estate
13	
14	* * *
15	EXECUTION OF THE STIPULATION
16	I have read the Stipulation. Its terms are understood by me and are agreeable and
17	acceptable to me. I understand that I am waiving rights given to me by the California
18	Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and
19	11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights,
20	including the right of requiring the Commissioner to prove the allegations in the Accusation at a
21	hearing at which I would have the right to cross-examine witnesses against me and to present
22	evidence in defense and mitigation of the charges.
23	MAILING AND FACSIMILE
24	Respondents (1) shall mail the original signed signature page of the stipulation
25	herein to Amelia V. Vetrone: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth
26	St., Suite 350, Los Angeles, California 90013-1105. Respondents shall also (2) facsimile a copy
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of signed signature page, to the Bureau at the following telephone/fax number: (213) 576-6917,
 Attention: Amelia V. Vetrone.

A facsimile constitutes acceptance and approval of the terms and conditions of
this stipulation. Respondents agree, acknowledge and understand that by electronically sending
to the Bureau a facsimile copy of Respondents' actual signatures as they appear on the
stipulation that receipt of the facsimile copy by the Bureau shall be as binding on Respondents as
if the Bureau had received the original signed stipulation.

9 10 DATED: 11 12 13 10/29/15 14 DATED: 15 16 17 18 DATED: 19 20 2122 111 23 III 24 ## 25/// 26Ш

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R FINANCIAL GROUP, INC. 6 MATYAS - OFFFICER By: RUCE

BRUCE GORDON MATYAS Respondent

Dennis H. Doss Counsel for Respondents Approved as to Form of signed signature page, to the Bureau at the following telephone/fax number: (213) 576-6917,
 Attention: Amelia V. Vetrone.

A facsimile constitutes acceptance and approval of the terms and conditions of
this stipulation. Respondents agree, acknowledge and understand that by electronically sending
to the Bureau a facsimile copy of Respondents' actual signatures as they appear on the
stipulation that receipt of the facsimile copy by the Bureau shall be as binding on Respondents as
if the Bureau had received the original signed stipulation.

DATED: MIRAMAR FINANCIAL GROUP, INC. By:_____ DATED: BRUCE GORDON MATYAS Respondent DATED: 10/29/15 Dennis H. Doss Counsel for Respondents Approved as to Form -8-

* * * The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE GORDON MATYAS, and JAN 0 5 2016 shall become effective at 12 o'clock noon on IT IS SO ORDERED DECEMBER 10, 2015 WAYNE S. BELL REAL ESTATE COMMISSIONER By: JEFFREY MASON Chief Deputy Commissioner -9-

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