

1 Bureau of Real Estate  
2 320 W. 4<sup>TH</sup> Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

**FILED**

DEC 16 2015

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 MIRAMAR FINANCIAL GROUP, )  
13 INC.; and BRUCE GORDON )  
14 MATYAS, individually and as )  
15 designated officer of Miramar Financial )  
16 Group, Inc., )

Respondents.

No. H-04710 SD

STIPULATION  
AND  
AGREEMENT

17  
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  
27

1 ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of  
2 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.

6           3. Respondents filed a Notice of Defense pursuant to Section 11506 of the  
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  
10 waive 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.

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

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

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



1 Law pursuant to Code Sections 10177(d), and 10177(g).

2 ORDER

3 WHEREFORE, THE FOLLOWING ORDER is hereby made:

4 I.

5 A. All licenses and licensed rights of Respondents MIRAMAR FINANCIAL  
6 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 3. No further cause for disciplinary action against the real estate licenses of  
19 Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE GORDON MATYAS  
20 occurs within two (2) years from the effective date of the Decision in this matter.

21 4. If either Respondent MIRAMAR FINANCIAL GROUP, INC. or BRUCE  
22 GORDON MATYAS fails to pay the monetary penalty in accordance with the terms and  
23 conditions of the Decision, the suspension shall go into effect automatically with regard to said  
24 Respondent. Respondents shall not be entitled to any repayment nor credit, prorated or  
25 otherwise, for money paid to the Bureau under the terms of this Decision and Order.

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

4 IV.

5 Pursuant to Section 10148 of the Code, Respondents MFGI and MATYAS shall  
6 pay the sum of \$18,789.88, for the Commissioner's cost of the audit which led to this  
7 disciplinary action. **Respondents shall pay such cost within sixty (60) days of receiving an**  
8 **invoice therefore from the Commissioner.** Payment of the audit costs should not be made until  
9 Respondents receive the invoice. Respondents are jointly and severally liable for the cost of the  
10 audit. If Respondents fail to satisfy this condition in a timely manner as provided for herein,  
11 Respondents real estate licenses shall automatically be suspended until payment is made in full,  
12 or until a decision providing otherwise is adopted following a hearing held pursuant to this  
13 condition.

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


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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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10  
11 DATED: 10-29-15

12   
13 Amelia V. Vetrone, Counsel for  
14 Bureau of Real Estate

15 \* \* \*

16 EXECUTION OF THE STIPULATION

17 I have read the Stipulation. Its terms are understood by me and are agreeable and  
18 acceptable to me. I understand that I am waiving rights given to me by the California  
19 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and  
20 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights,  
21 including the right of requiring the Commissioner to prove the allegations in the Accusation at a  
22 hearing at which I would have the right to cross-examine witnesses against me and to present  
23 evidence in defense and mitigation of the charges.

24 MAILING AND FACSIMILE

25 Respondents (1) shall mail the original signed signature page of the stipulation  
26 herein to Amelia V. Vetrone: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth  
27 St., Suite 350, Los Angeles, California 90013-1105. Respondents shall also (2) facsimile a copy





1 of signed signature page, to the Bureau at the following telephone/fax number: (213) 576-6917,  
2 Attention: Amelia V. Vetrone.

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

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10 DATED: \_\_\_\_\_

\_\_\_\_\_  
MIRAMAR FINANCIAL GROUP, INC.  
By: \_\_\_\_\_

11  
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14 DATED: \_\_\_\_\_

\_\_\_\_\_  
BRUCE GORDON MATYAS  
Respondent

15  
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18 DATED: 10/29/15

  
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Dennis H. Doss  
Counsel for Respondents  
Approved as to Form

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents MIRAMAR FINANCIAL GROUP, INC. and BRUCE GORDON MATYAS, and shall become effective at 12 o'clock noon on JAN 05 2016.

IT IS SO ORDERED DECEMBER 10, 2015

WAYNE S. BELL  
REAL ESTATE COMMISSIONER



By: JEFFREY MASON  
Chief Deputy Commissioner